

**Before the
Federal Communications Commission
Washington, D.C. 20544**

In Re Petitions of)	
)	
Franklin County, Georgia)	
)	
For Modification of the Television Market	)	MB Docket 18-158
of Station WSB-TV (ABC), Atlanta, GA	)	File No. CSR-8957-A
)	
For Modification of the Television Market	)	MB Docket 18-159
of Station WAGA (FOX), Atlanta, GA	)	File No. CSR-8958-A
)	
For Modification of the Television Market	)	MB Docket 18-160
of Station WXIA-TV (NBC), Atlanta, GA	)	File No. CSR-8959-A
)	
For Modification of the Television Market	)	MB Docket 18-161
of Station WGCL (CBS), Atlanta, GA	)	File No. CSR-8960-A

JOINT OPPOSITION TO PETITIONS FOR SPECIAL RELIEF

Mark J. Prak
Charles F. Marshall
Elizabeth Spainhour
Timothy G. Nelson
BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.
150 Fayetteville Street, Suite 1700
Raleigh, North Carolina 27601
Telephone: (919) 839-0300
Facsimile: (919) 839-0304

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Summary

The four Petitions filed by Franklin County, Georgia (through its Board of County Commissioners) to add Franklin County to the local television markets of four Atlanta Stations for purposes of satellite carriage are based almost exclusively on the fact that Franklin County residents do not have access to “in-state” television stations from Atlanta that provide programming relevant to Georgians generally.

The Petitions lack required evidence, and four of the five statutory factors do not support market modification: (i) the Atlanta Stations are not historically carried in Franklin County, (ii) the Atlanta Stations lack over-the-air coverage of, geographic proximity to, and a programming nexus to Franklin County, (iii) there is ample and, indeed, superior technical coverage and local programming of specific interest to Franklin County residents from the In-Market Stations, and (iv) the Atlanta Stations lack any meaningful audience in Franklin County. There is, therefore, no accounting or assessment of the evidence that would weigh the totality of the statutory factors in favor of modification.

The fifth factor, “access to in-state programming” was added by Congress in 2014 to be considered along with four other historical factors. But that new factor is neither exclusive nor dispositive. Neither Congress nor the Commission ever declared or suggested that the other four, original statutory factors should be ignored, or that the Commission’s standardized evidentiary requirements should be waived, simply because modification would allow access to in-state television stations. To the contrary, in its 2015 STELAR Order, the Commission specifically held that “the in-state factor does not serve as a trump card negating the other four statutory factors.” This should be especially true in a petition like this one where there is no evidence that the Atlanta Stations to be imported into Franklin County have expressed a specific

desire to be carried in that county or an intention to provide localized programming that is specifically targeted to the county.

For all of these reasons, the Petitions must be denied.

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JOINT OPPOSITION TO PETITIONS FOR SPECIAL RELIEF

WYFF Hearst Television Inc., licensee of NBC affiliate WYFF(TV), Greenville, South Carolina (“WYFF”); Meredith Corporation, licensee of FOX affiliate WHNS(TV), Greenville, South Carolina (“WHNS”); Nexstar Broadcasting, Inc., licensee of CBS affiliate WSPA-TV, Spartanburg, South Carolina (“WSPA”); and WLOS Licensee LLC, licensee of WLOS(TV), Asheville, North Carolina (“WLOS”) (collectively, the “Opposition Parties”), through counsel and pursuant to Rule 76.7 of the Commission’s rules, respectfully file and serve this joint, consolidated Opposition to the Petitions for Special Relief filed by the Board of Commissioners of Franklin County, Georgia (the “Board”) seeking to modify the local television markets of NBC affiliate WXIA-TV, Atlanta, Georgia; FOX affiliate WAGA-TV, Atlanta, Georgia; CBS affiliate WGCL-TV, Atlanta, Georgia; and ABC affiliate WSB-TV, Atlanta, Georgia (“Petitions”) to include Franklin County with respect to DISH Network (“DISH”) and DIRECTV. WXIA, WAGA,

WGCL and WSB are collectively referred to herein as the “Atlanta Stations.” WYFF, WHNS, WSPA, and WLOS are collectively referred to herein as the “In-Market Stations.”

For the reasons discussed below, the Petitions should be denied.

I. Background

A. Localism is the Foundation of Market Modification Proceedings

The market modification process exists to allow the Commission to alter a television station’s local television market when doing so would allow broadcasters and MVPDs to “better serve the interests of local communities.”¹ The touchstone for evaluating a market modification request is whether there is a sufficient nexus—i.e., a “local relationship”—between the television station and the relevant community.² To that end, the Commission “must afford particular attention to the value of localism”³—long defined as programming that “is responsive to the needs and interests of their communities of license”⁴—when judging the merits of a market modification petition.⁵

¹ *Amendment to the Commission’s Rules Concerning Market Modification; Implementation of Section 102 of the STELA Reauthorization Act of 2014*, Report and Order, FCC 15-111 (2015) (“STELAR Order”), at ¶ 7.

² *La Plata County, Colorado, Petitions for Modification of the Satellite Television Markets of KDVR-TV, KCNC-TV, KMGH-TV, and KUSA-TV, Denver, Colorado*, Memorandum Opinion and Order, FCC 17-204 (MB rel. Mar. 1, 2017) (“La Plata Order”), at ¶ 5 (“The rules enable a broadcast television station to be carried by a satellite carrier in such a new community if the station is shown to have a local relationship to that community.”).

³ Report from the Senate Committee on Commerce, Science, and Transportation accompanying S. 2799, 113th Cong., S. Rep. No. 113-322 (2014) (“Senate Commerce Committee Report”), at 10-11; 47 U.S.C. § 338(l)(2)(B); STELAR Order, at ¶ 8.

⁴ *Designated Market Areas: Report to Congress Pursuant to Section 109 of the STELA Reauthorization Act of 2014*, DA 16-613 (MB June 3, 2016) (“2016 In-State Programming Report”), at ¶ 11.

⁵ See Senate Commerce Committee Report, at 10-11.

Until 2014, in the context of market modification for carriage on cable systems, Congress set four statutory factors for the Commission to consider and weigh in evaluating the localism nexus between a television station and the relevant community:

- **Historical carriage.** Whether the station, or the other stations located in the same area—(a) have been historically carried on the cable system or systems within such community; and (b) have been historically carried on the satellite carrier or carriers serving such community;
- **Local Service by Out-of-Market Station.** Whether the television station provides coverage or other local service to such community;
- **Local Service By In-Market Stations.** Whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage of sporting and other events of interest to the community; and
- **Viewing patterns.** Evidence of viewing patterns in households that subscribe and do not subscribe to the services offered by multichannel video programming distributors within the areas served by such multichannel video programming distributors in such community.⁶

To evaluate each of these factors, the Commission imposed the following standardized evidentiary requirements relevant to establishing a local nexus between the station and the community:

- Maps illustrating the relevant community locations, mileage between the station and the community, geographic features, transportation routes, and station and MVPD facilities;
- Noise-limited service contour maps delineating the station's technical service area and showing the location of the cable system headends or satellite carrier local receive facilities and communities in relation to the service areas;
- Available data on shopping and labor patterns in the local market;
- Television station programming information derived from station logs or local television guides;

⁶ 47 U.S.C. § 338(l)(2)(B).

- MVPD line-up cards or television guides demonstrating historical carriage; and
- Audience data for MVPD and non-MVPD households, advertising or sales data.⁷

B. STELAR and the Addition of the “In-State” Programming Factor

Congress enacted STELAR in 2014 to extend the market modification regime to satellite carriage. It also added a fifth statutory factor—access to “in-state” television signals—to the existing four factors that the Commission must consider in conducting its overall localism analysis.⁸ Congress added the new “in-state” programming factor so that the Commission could “consider the plight” of viewers in so-called “orphan” counties, who lack access to signals from “in-state” stations.⁹

Congress made clear, however, that it preserved the original four factors and that this new “access to in-state signals” factor is to be considered *along with* the other four factors. The new “in-state” factor does not replace, supersede, subsume, or in any way change the existing four factors, or the framework for how they are to be analyzed.¹⁰ Indeed, while Congress added a new in-state programming factor to the multi-factor analysis, it did not provide any new or separate framework for evaluating orphan county petitions generally or for modifying or waiving the application of the original four factors in an orphan county context.

Most critically, Congress did not state—either explicitly or implicitly—that access to in-state programming could be dispositive in any market modification proceeding. Nor did Congress

⁷ 47 C.F.R. § 76.59(b)(1)-(6); *see also Definition of Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules*, Final Report and Order, 14 FCC Rcd 8366 (1999).

⁸ Specifically, the factor addressed “whether modifying the local market of the television station would promote consumers’ access to television broadcast station signals that originate in their State of residence[.]” STELAR § 102, 128 Stat. at 2060; 47 U.S.C. § 338(1)(2)(B).

⁹ Senate Commerce Committee Report, at 11; STELAR Order, at ¶ 18.

¹⁰ *See, e.g.,* Senate Commerce Committee Report, at 10-11 (explaining that all five factors must be taken into account).

suggest that “in-state” programming of statewide interest should be treated as a wholesale proxy for “local” programming with respect to counties underserved by “in-state” stations—especially with respect to the second statutory factor, the “local service” factor.¹¹

C. The Commission’s Order Implementing STELAR

Consistent with Congress’s directive, the Commission launched and completed a proceeding to implement Section 102 of STELAR.¹² In the resulting STELAR Order, the Commission heeded Congress’s direction to “consider the plight” of viewers living in orphan counties.¹³ It determined how the new, third, “access to in-state signals” statutory factor should be construed, set forth the appropriate weight the new factor should be given, and explained that a petitioner will be “afforded credit for satisfying this factor simply by showing that the involved station is licensed to a community within the same state as the new community.”¹⁴

But the Commission did not alter or adjust the underlying test for evaluating market modification petitions. Rather, it specifically reaffirmed the totality of the five-factor test in the context of considering access to “in-state” signals:

First, the Commission emphasized the importance of considering *all five factors* in evaluating a market modification request, noting that the new “access to in-state signals” factor “is not universally more important than any of the other factors[.]”¹⁵ Importantly, the Commission

¹¹ 47 U.S.C. § 338(l)(2)(B)(ii).

¹² See STELAR Order (MB Docket No. 15-71).

¹³ See, e.g., STELAR Order, at ¶¶ 3, 14-15, 28.

¹⁴ STELAR Order, at ¶ 18.

¹⁵ STELAR Order, at ¶ 18.

ordered that “the in-state factor *does not serve as a trump card* negating the other four statutory factors.”¹⁶

Second, the Commission maintained the existing framework as to the other four factors, particularly the second statutory factor, “local service” by the station subject to market modification. It did not suggest that access to in-state signals alone would be sufficient to satisfy the longstanding “local service” factor (in addition to satisfying the third, “access to in-state signals” factor) where those in-state stations provide programming of general statewide interest but not programming specifically targeted to the local community. By contrast, the Commission explained the crucial difference between the “local service” second factor and the “access to in-state signals” third factor:

[U]nder factor two, we consider whether the station has aired programming, such as news, politics, sports, weather and other emergency information, *specifically targeted to the community at issue* (e.g., town council meeting, news or weather event that occurred in the community, local emergencies, etc.). Under factor three, we would consider whether the station has aired programming, such as news, politics, sports, emergency information, *specifically related to the state in which the community is located* (e.g., coverage of state politics and legislative matters, state sports team coverage, state emergency information, etc.).¹⁷

Third, the Commission did not modify, lessen, or waive any of the required evidentiary factors for petitions seeking to add “in-state” signals or forecast circumstances in which a waiver would even be appropriate.¹⁸ The Commission specifically made these pre-STELAR, existing

¹⁶ STELAR Order, at ¶ 18 (emphasis added).

¹⁷ STELAR Order, at ¶ 18 n.85 (emphasis added). As set forth in Section III.B., *infra*, this explanation from the Commission proves the error of the Bureau’s contention that “a distinction between ‘*state-related*’ programming and ‘*localized*’ programming’ . . . simply does not exist in the orphan county context.” La Plata Order, at ¶¶ 43, 52 (emphasis original).

¹⁸ STELAR Order, at ¶ 20 (requiring that market modification requests “must include” at least the seven evidentiary requirements set forth in 47 C.F.R. § 76.59(b)(1)-(7)); *id.* ¶ 22 (holding that market modification requests that do not include the required evidence will be dismissed). The

evidentiary requirements applicable to market modification for satellite carriage “given the same language is used in both the cable and satellite statutory factors and the record provides no basis for adopting a different interpretation in the satellite versus cable context.”¹⁹ Far from excusing noncompliance with these requirements, the Commission reaffirmed the importance of complying with them.

Fourth, a unique feature of market modification proceedings for satellite carriage is that, unlike in the cable market modification context, the Commission has permitted county governments to file petitions seeking market alterations. But, the Commission expressly recognized the difficulty that county governments might have in providing the required “specific evidence to demonstrate the five statutory factors” and “strongly encourage[d] county government petitioners to enlist the aid and cooperation of the station they wish to bring to their county” in order to “avoid dismissal” due to a lack of sufficient evidence.²⁰ The Commission therefore recommends that county governments consult with the affected television station before filing a petition for market modification because “without the willing participation of the affected broadcaster, modifying the market of a particular television station, in itself, would not result in consumer access to that station.”²¹

Here, the Petitions do not reflect the intent of the Atlanta Stations to authorize carriage of their signals on satellite in Franklin County, nor do the Petitions reflect the programming that those stations intend to provide that is specifically targeted to viewers in Franklin County—i.e., local

Commission added to the six evidentiary requirements that predated STELAR the requirement that, when applicable, the petitioner provide a statement that the station is licensed to a community within the same state.

¹⁹ STELAR Order, at ¶ 20.

²⁰ STELAR Order, at ¶ 14.

²¹ *See* STELAR Order, at ¶ 14.

news, sports, weather, etc. coverage.²² In fact, Meredith Corporation, one of the Opposition Parties in this case, is the licensee, owner, and operator WGCL-TV in Atlanta. Meredith is not aware of any request from Franklin County to request its position or intentions with respect to the Petitions. The letter from the Georgia Broadcasters Association (GAB) included in the Petitions does not, and cannot, purport to speak for Meredith or any of the Atlanta Stations individually. In any event, the GAB states that it “continues to support efforts to negotiate terms of targeted carriage arrangements to allow delivery of local, in-state, non-duplicative broadcast programming and to increase access to in-state news by Georgia viewers”—an outcome that generally would not require any market modification by the FCC.

D. Not All Orphan Counties Are Similarly Situated

In recent post-STELAR orphan county market modification proceedings, the Media Bureau has reduced the importance of geographic proximity tests and historic carriage and ratings data; given “substantial weight” to the “in-state” programming factor; and effectively allowed “in-state” programming to be counted twice by using it as a satisfactory showing of the second factor’s “local service.” Rather than giving “positive” or “negative” weight to the first, second, fourth, and fifth factors, the Media Bureau’s post-STELAR decisions have tended to pronounce these factors as “neutral” where there is no meaningful evidence to support them,²³ so that the only factor given

²² The letter from the Georgia Broadcasters Association (GAB) included in the Petitions does not, and cannot, purport to speak for the Atlanta Stations in this regard. Tellingly, the GAB states that it “continues to support efforts to negotiate terms of targeted carriage arrangements to allow delivery of local, in-state, non-duplicative broadcast programming and to increase access to in-state news by Georgia viewers”—an outcome that generally would not require any market modification by the FCC.

²³ See La Plata Order, at ¶¶ 24-59; *Gray Television Licensee, LLC, for Modification of the Satellite Television Market for WSAW-TV, Wausau, Wisconsin*, Memorandum Opinion and Order, DA 17-74 (MB rel. Jan. 17, 2017), at ¶¶ 30, 32 (geographic proximity for second factor and fourth factor deemed neutral). In some cases the Media Bureau has found evidence in favor of the Petitioners on some of those factors where meaningful evidence to support those factors has been

any meaningful, positive weight on the scale is the in-state programming factor—which has the same practical effect of eliminating the other factors from the scale at all. The result of this flawed analysis is that the third factor, access to in-state programming, automatically becomes the dispositive factor in orphan county petitions, as the lack of any meaningful evidence regarding the other four factors is of little, if any, consequence.

This analysis is unsupported by STELAR and the STELAR Order. Among other things, it fails to recognize that not all orphan counties are similarly situated within the context of the five statutory factors, and that a per se grant of orphan county market modification petitions driven by one factor alone is improper.

For example, orphan counties in some states will have a stronger geographic nexus to an “in-state” station than other orphan counties in other states.²⁴ Additionally, in some cases the Bureau has determined that some in-state stations may already provide meaningful coverage of

submitted and there was no opposition filed. *See Harrison County, Texas, Petitions for Modification of the Satellite Television Markets of KLTV, Tyler, Texas and KFXK-TV, Longview, Texas*, Memorandum Opinion and Order, DA 18-573 (MB rel. June 1, 2018) (“Harrison County Order”) (Bureau found that evidence demonstrated that one of the in-state stations’ community of license of the Texas station was within the county, that the county was largely within the service contours of the in-state stations, there was some evidence of historical carriage on cable systems with the county, and where there was no opposition to the petitions (and therefore no showing of local service by the Shreveport stations)).

²⁴ *Compare* Harrison County Order, at ¶ 24 (“In the instant case, however, Petitioner has demonstrated not only that KFXK provides substantial over-the-air coverage of the County, but also that the Station offers local service through its programming and connection to the County. We thus find that the second statutory factor weighs in favor of the requested modification.”), *to* La Plata Order, at ¶ 53 (“In this case, we find that overall geographic proximity measures do not enhance the Petitioner’s case, and we thus consider them neutral.”)

news and events occurring in orphan counties.²⁵ And evidence of historical carriage and ratings data may vary significantly across differently-situated orphan counties.²⁶

Given these differences, proper application of all five statutory factors and evidentiary requirements—as mandated by Congress—must prevent a market modification in circumstances where there is little, if any, local nexus between the in-state stations and the orphan counties, particularly as it relates to evidence of local programming. While a “one-factor-fits-all-orphan-county-petition” is inappropriate, there are indeed situations where the five-factor analysis may support an orphan county’s request for modification.

For example, it may very well have been appropriate for the Commission to grant market modifications filed by West Virginia’s Preston and Monongalia Counties to receive in-state West Virginia stations where the petition presented evidence of local signal coverage, extensive local programming from the in-state stations, and evidence of historical carriage on cable systems—and where the in-state stations at issue provide extensive local coverage of the University of West Virginia, located in Monongalia County.²⁷ That petition was unopposed.

²⁵ See Harrison County Order, at ¶¶ 23-24; *Monongalia County, West Virginia and Preston County, West Virginia, Petitions for Modification of the Satellite Markets for WDTV, Weston, West Virginia, and WBOY-TV and WVFX, Clarksburg, West Virginia*, Memorandum Opinion and Order, DA 18-113 (MB rel. Feb. 7, 2018) (“West Virginia Order”), ¶¶ 22-23, 30-31, 38-39.

²⁶ See West Virginia Order, at ¶¶ 34, 42 (where evidence provided indicated Nielsen had not been able to measure viewing in the subject counties for at least 10 years, factor given neutral weight); *Electric Plant Board of the City of Russellville, Cumberland Cellular, Inc. d/b/a Duo County Telecom, and North Central Telephone Cooperative, Inc., for Modification of the Television Market for WBKO(TV), Bowling Green, Kentucky*, Memorandum Opinion and Order, DA 17-1183 (MB rel. Dec. 7, 2017), at ¶ 15 (where historic Nielsen data demonstrated some viewing in the communities at issue, positive weight given); Harrison County Order, at ¶¶ 27, 34 (where no evidence of viewing patterns presented, negative weight given).

²⁷ See West Virginia Order.

Conversely, it was far less appropriate to grant a market modification petition in La Plata County, Colorado, where the petitioning county provided little more than a scintilla of evidence of meaningful local nexus between the Denver stations and La Plata county, where the Albuquerque stations submitted evidence of significant local coverage of the county, and where the crux of the petition was effectively based on obtaining access to “local” news in Denver —some 330 miles away. That petition was opposed by the Albuquerque stations, and the Denver stations offered to provide their “*local, in-state, non-duplicative broadcast programming*”²⁸ (for which a market modification would not be required), but did not express a desire to provide their duplicating network and syndicated programming (for which a market modification would be required).

In sum, modifying a local television market to promote access to in-state programming of statewide interest without evidence of a meaningful local nexus between the county and the in-state station does not comport with STELAR, the Commission’s STELAR Order, or the principles of localism embedded in the statutory factors and evidentiary requirements.

II. The Petitions Fail to Comply with Evidentiary Standards Required by the Commission’s Rules.

At the outset, it should be noted that the feasibility certifications submitted with each of the Petitions are nearly two years old. Particularly in the case of DISH, which expressly reserved the right to amend its response based on technical or economic infeasibility, the Petitions should

²⁸ Petition for Special Relief (KDVR) of La Plata County, Colorado, MB Docket 16-366 (filed Sept. 7, 2016), at Exhibit H; Petition for Special Relief (KCNC) of La Plata County, Colorado, MB Docket 16-367 (filed Sept. 7, 2016), at Exhibit H; Petition for Special Relief (KMGH) of La Plata County, Colorado, MB Docket 16-368 (filed Sept. 7, 2016), at Exhibit H; and Petition for Special Relief (KUSA) of La Plata County, Colorado, MB Docket 16-369 (filed Sept. 7, 2016), at Exhibit H.

be denied or, at the very least, required to be supplemented with new certifications from DISH and DIRECTV.²⁹

The Petitions do not include required evidence of (i) exhibits establishing historic carriage of the in-state stations in Franklin County, and (ii) published audience data for the relevant in-state station or other “specific audience indicia.” The failure to comply with these procedural evidentiary requirements is grounds for dismissal,³⁰ so the Board (unable to show them) asks the Commission to waive these evidentiary requirements.

The Opposition Parties acknowledge that the Media Bureau has recently waived certain evidentiary requirements in market modification petitions filed by other orphan counties. But nothing in the Commission’s STELAR Order contemplates a blanket waiver of evidentiary requirements for orphan county petitions solely because they are orphan counties. Nor does it suggest that certain evidentiary requirements are not applicable to orphan county petitions. Rather, the Commission’s STELAR Order implementing the “in-state” factor adopts the existing evidentiary requirements, and it explicitly references the need for county governments to “provide specific evidence to demonstrate the five statutory factors.”³¹ Here, the County’s failure to provide evidence of historical carriage and ratings data, and other omissions,³² renders the Petitions

²⁹ See 47 U.S.C. § 338(l)(3); see also *Gray Television Licensee, LLC, for Modification of the Television Market for WYMT-TV, Hazard, Kentucky*, Memorandum Opinion and Order, DA 18-500 (MB rel. May 16, 2018) (denying market modification due, in part, to showing of technical and economic infeasibility).

³⁰ See, e.g., *Sagamorehill Broadcasting of Wyoming/Northern Colorado, LLC*, Memorandum Opinion and Order, 22 FCC Rcd 12944 (MB 2007) (dismissing petition for failure to provide required data); *Withers Broadcasting Company of West Virginia*, Memorandum Opinion and Order, 20 FCC Rcd 17890 (MB 2005) (same).

³¹ STELAR Order, at ¶ 14.

³² The Opposition Parties note that the Petitions were not filed, as required, in the Media Bureau’s electronic dockets for Special Relief Petitions, MB Docket 12-1. More significantly,

procedurally defective and subject to dismissal, and it also reflects the substantive failure to meet the first and third statutory factors, as discussed in more detail below.

III. The Statutory Factors Do Not Support Market Modification.

Four of the five statutory factors weigh against modification because the Petitions, on their face, demonstrate that the Board is entitled to no enhancement under these factors. First, the Board acknowledges that the signals of the Atlanta Stations are not historically carried in Franklin County.³³ Second, the Board does not offer evidence of *local* programming with a nexus to Franklin County—i.e., coverage of local news, weather, sports, or any issues relevant to the specific needs and interests of Franklin County viewers. Nor does the Board provide evidence that the Atlanta Stations intend to provide or invest in such programming. Indeed, the Board’s own evidence shows that the Atlanta Stations provide no meaningful technical coverage of Franklin County.³⁴ Third, the Board does not establish that the In-State Stations fail to provide localized programming of interest to Franklin County viewers. Finally, the Board offers no evidence that the Atlanta Stations achieve any meaningful audience share in Franklin County.

The “in-state” programming factor supports grant of the Petitions for the simple reason that the Atlanta Stations would provide “Georgia” programming to Franklin County residents, as this factor essentially automatically favors every orphan county market modification petition because it was designed by Congress to do so. But Congress did not design a system where the “in-state” programming factor would supersede or otherwise excuse consideration of the other factors and

none of the Petitions includes a certificate of service, so proper service of the Petitions cannot be evaluated.

³³ See Petitions, at Section III(5).

³⁴ See Petitions, at Exhibit E.

allow access to statewide programming to be elevated above localized programming specifically targeted to the needs and interests of local communities.

A. Historical Carriage

The Board does not provide any evidence that the Atlanta Stations have been historically carried on any MVPD systems within Franklin County. As set forth in the Opposition Parties' Exhibits A through D attached hereto, the In-Market Stations have been historically carried on the cable and satellite systems in Franklin County. In particular, WSPA is carried on Channel 7 on both DISH and DIRECTV and has been carried on those providers since at least 1999, as well as on cable systems serving Franklin County for many years.³⁵ WHNS is carried on Channel 21 on both DISH and DIRECTV and has been carried on those providers since at least 2000, as well as on cable systems serving Franklin County for many years.³⁶ WYFF is carried on DISH and DIRECTV on Channel 4 and has been carried on those providers since they began providing local-into-local service in Franklin County, as well as on cable systems serving Franklin County for many years.³⁷ WLOS is carried on Channel 13 on both DISH and DIRECTV and appears to have been carried on those providers in Franklin County since at least 2000, as well as on cable systems serving Franklin County for many years.³⁸

³⁵ See Opposition Parties' Exhibit B, Declaration of Mark Higgins ("Higgins Decl."), ¶ 4.

³⁶ See Opposition Parties' Exhibit A, Declaration of Les Vann ("Vann Decl."), ¶ 4.

³⁷ See Opposition Parties' Exhibit C, Declaration of John Humphries ("Humphries Decl."), ¶ 4.

³⁸ See Opposition Parties' Exhibit D, Declaration of Joseph Fishleigh ("Fishleigh Decl."), ¶ 4.

The lack of historical carriage of the Atlanta Stations and the evidence of historical carriage of the In-Market Stations weighs against market modification.³⁹

B. Coverage and Local Service to Franklin County

To analyze a station's coverage or local service, the Commission considers a station's signal contour coverage over the communities, its proximity to the communities in mileage, and its provision of programming with a distinct nexus to the communities.⁴⁰ In this case, the coverage or local service factor weighs against market modification.

(a) Geographic Nexus and Technical Service

The signal contour maps submitted with Exhibit E of the Petitions do not indicate any meaningful technical coverage of Franklin County, and the Board does not contend otherwise. By contrast, as demonstrated in the Opposition Parties' Exhibit E, each In-Market Station's noise limited service contour (NLSC) contains all or most of Franklin County. Further, as demonstrated in Opposition Parties' Exhibit F, evidence of signal strength in both Carnesville, Georgia (the Franklin County seat in the central part of the county) and Lavonia (the largest town in Franklin County located further north) shows that the In-Market Stations deliver strong NLSC service to

³⁹ See *Cablevision of Monmouth, Inc. for Modification of the ADI Market for Station WMBC-TV, Newton, NJ; Complaint of Mountain Broadcasting Corp. against Cablevision of Monmouth, Inc. Request for Carriage*, Memorandum Opinion and Order, Docket No. CSR-4726-A, 4747-M, DA 96-1266 (CSB Aug. 14, 1996) ("Monmouth Order"), at ¶ 19 (concluding that, with respect to a specialized format station, "the lack of historical carriage and the dearth of audience is evidential significance when linked with other information regarding the market, including lack of Grade B coverage, geographic distance, and the absence of noncable audience share in the relevant communities. In these instances, we cannot discount the stations' existing carriage and audience as proper indicators of the scope of its market area.")

⁴⁰ See *California-Oregon Broadcasting, Inc. d/b/a Crestview Cable Communications, for Modification of the DMA for Stations: KFXO, NPG of Oregon, Inc., Bend, OR; KOHD, Three Sisters Broadcasting LLC, Bend, OR; KVTZ, NPG of Oregon, Inc., Bend, OR*, Memorandum Opinion and Order, Docket No. CSR-8538-A, DA 14-506 (MB Apr. 15, 2014), at ¶ 16.

both communities while NLSC service from the Atlanta Stations is weak to non-existent in both locations.⁴¹

Again, as demonstrated in the Board’s own evidence, the driving distances between the Atlanta Stations and the Carnesville are approximately 85 miles (WXIA), 79 miles (WAGA), 78 miles (WGCL), and 85 miles (WSB). The Commission has previously found, in the cable context that distances of 59-84 miles are “geographically distant.”⁴²

The Petitions’ purported evidence of “shopping” patterns does not demonstrate a sufficient nexus between the Atlanta Stations and Franklin County. The Opposition Parties submit that this survey lacks any scientific validity where it fails to provide any information about sample selection or other methodology and no evidence of statistical significance. Yet, even within the results as presented, the respondents do the largest percentage of their shopping “locally.” The evidence does not demonstrate that a substantial number of citizens commute to work in Atlanta or otherwise rely on Atlanta for regular shopping or services in a manner that would demonstrate any meaningful geographic nexus to the community.

As discussed herein, this is a case where the orphan county in question lacks geographic nexus and technical coverage, but that is not necessarily so in every market modification case. Not

⁴¹ The statement made in each Petition about the “distance” of the “signal strength” is misleading at best. The Petitions are correct about the geographic distance of the transmitter sites to Carnesville, Georgia, but this has nothing to do with signal strength. Exhibit F of this Opposition includes a color copy of the same information presented in Exhibit E of the Petitions. The column labeled “NM(db)” shows the amount above or (if negative) below NLSC coverage for each station listed. The chart also shows the geographic distance of the community identified (Carnesville, Georgia) to the transmitter site of each station (in the “Dist miles” column). What the chart shows is that the Atlanta Stations have exceptionally weak NLSC coverage at Carnesville, Georgia, while the In-Market Stations provide strong NLSC coverage to Carnesville. Indeed, the stations at the top of the chart—the In-Market Stations—provide the strongest NLSC coverage to the communities.

⁴² See Monmouth Order, at ¶ 17 (describing distances of 59-84 miles as “geographically distant”).

all orphan counties necessarily lack geographic or local nexus. For example, in a recent decision granting a market modification by Harrison County, Texas, to add two in-state Texas stations, the Bureau found that the stations' service contours included the county and one of the stations' community of license was actually located in the county.⁴³

(b) Local Service

Most notably, neither the Petitions nor the programming guides of the Atlanta Stations submitted by the Board demonstrate any significant coverage of local programming “specifically targeted” to Franklin County.⁴⁴ Rather, the Petitions appear to rely on Atlanta programming of “Georgia” news. There is no evidence that the Atlanta Stations currently cover local news, weather, sports, issues, political races, or events in Franklin County. Nor is there evidence that the Atlanta Stations would provide such localized coverage if the Petitions are granted.

The lack of any evidence of localized programming from the Atlanta Stations specifically targeted to Franklin County is important because the Commission has clearly delineated the distinction between locally-targeted programming in factor two and state-related programming in factor three:

[U]nder *factor two*, we consider whether the station has aired programming, such as news, politics, sports, weather and other emergency information, *specifically targeted to the community at issue* (e.g., town council meeting, news or weather event that occurred in the community, local emergencies, etc.). Under *factor three*, we would consider whether the station has aired programming, such as news, politics, sports, emergency information, *specifically related to the state in which the community is located* (e.g., coverage of state politics and legislative matters, state sports team coverage, state emergency information, etc.).⁴⁵

⁴³ See Harrison County Order, at ¶¶ 22, 29.

⁴⁴ See Petitions, at Exhibits H and I.

⁴⁵ STELAR Order, at ¶ 18 n.85 (emphasis added).

This distinction is also important to avoid the improper “double counting” of programming that is “state-related” programming for factor three purposes, by also considering the same programming to be “local programming” for factor two purposes. If availability of “state-related” programming relevant to Georgians generally is sufficient to satisfy both factor three and factor two, then the clear demarcation between factors two and three outlined in both the statute and in the Commission’s STELAR Order is eradicated, and every orphan county would meet the “local service” requirement in factor two without having to provide any evidence of local programming specifically targeted to the orphan county. Factor two would be rendered wholly superfluous because it would be subsumed by factor three.

The Atlanta Stations’ provision of Atlanta programming and state-related programming is not a substitute for the provision of localized programming that specifically targets the needs and interests of Franklin County viewers, as required by the second factor.⁴⁶ It is true, of course, that some state-related programming can certainly be a *component* of localism.⁴⁷ But Congress never intended for programming of statewide interest to be a proxy for localized programming specifically targeted to the local community. Nor did Congress intend for evidence of statewide programming, by itself, be sufficient to satisfy the second factor. Such a result would run counter to the very principle of localism and broadcasters’ public interest obligation to air programming

⁴⁶ See STELAR Order, at ¶ 18, n. 85.

⁴⁷ The Media Bureau has previously cited the Senate Commerce Committee Report on STELAR as evidence that “local” programming includes “in-state” programming. But the portion of the Senate Commerce Committee Report to which the Bureau cites for the proposition that “local programming” is to include “programming originating from and about the State in which a consumer resides” does not deal with statutory factor two, or factor three, or any of the other factors.⁴⁷ In fact, that portion of the Senate Commerce Committee Report does not pertain to Section 102 of the Act or market modification petitions at all. Rather, it deals with Section 205 of the Act, wherein Congress explained that the Commission could consider “in-state programming” to be “local programming” *for the purposes of drafting a Commission “report to various named congressional committees on DMAs.”*

“relevant to the tastes, needs and desires of the public they are licensed to serve.”⁴⁸ There is no basis to suggest that all Georgians—from Savannah on the coast to Dade County in the in the Appalachians—can have their “local” needs and interests adequately addressed solely through local news from Atlanta, state political news, coverage of the Atlanta Falcons, and other Atlanta- or Georgia-focused programming.

Granting a market modification without meaningful evidence of a local nexus beyond programming of general statewide interest risks disrupting the economics of the local television marketplace without any corresponding benefit to localism. Indeed, the Commission itself has recognized that not every in-state station necessarily has an incentive to invest in providing *localized* programming that specifically targets the needs and interests of specific local communities, particularly when the location of the in-state station is geographically distant and demographically distinct from the community at issue.⁴⁹ The Commission recognized this marketplace reality when it recently rejected calls to depart from the existing DMA structure:

[C]hanging the market of a particular county from one DMA to another that is potentially composed of counties from the same state as the county may not necessarily increase the amount of local programming that the county receives due to the economics of broadcast television and the ability (or inability) to serve a geographically distant, but in-state county.⁵⁰

There are, of course, situations where certain orphan counties have presented evidence of significant coverage of local programming specifically targeted to their communities. A recent

⁴⁸ *Deregulation of Radio*, Report and Order, 84 FCC 2d 968, 981 (1981), at ¶ 32 (quoting *En Banc Programming Inquiry Statement*, 44 FCC 2303, 2314 (1960)).

⁴⁹ See *In-State Broadcast Programming: Report to Congress Pursuant To Section 304 of the Satellite Television Extension and Localism Act of 2010*, Report, DA 11-1454 (MB rel. Aug. 29, 2011), at ¶ 48 (summarizing comments and examples submitted by National Association of Broadcasters).

⁵⁰ 2016 In-State Programming Report, at ¶ 88.

example involved Preston and Monongalia Counties in West Virginia.⁵¹ The Media Bureau found that the in-state stations at issue aired county-specific programming that included high school sports, major weather events, major arrests, crime spree, road closures, and economic development projects aimed at certain neighborhoods in the Counties.⁵² The in-state stations also provided “extensive coverage” of West Virginia University, which is located in Monongalia County itself—an example of programming of statewide interest that was also, simultaneously, a matter of “local” interest to the residents of the County.⁵³ In that case, the evidence of “local service” was based on far more than local news in Clarksburg, West Virginia (where the in-state stations were located; i.e., the equivalent of Atlanta news in the present matter), or programming of interest to West Virginians generally. Rather, the petitions in the West Virginia proceeding demonstrated a history of the in-state stations’ provision of local service to the orphan counties—based on locally-oriented programming—sufficient to satisfy the local service factor.

Similarly, as discussed above, in the petition to add Harrison County, Texas to the local television market of in-state Texas stations, Harrison County was largely or entirely within the service contours of the subject stations and, with respect to local programming coverage, the petitioners submitted examples of Harrison-specific news, sports, and weather stories.⁵⁴ Such evidence, however, is entirely lacking in this case. There is no evidence in the record that the Atlanta Stations are providing any such technical or local programming coverage to Franklin County now, or that the Atlanta Stations plan to do so in the event of a market modification. Under the circumstances specific to this orphan county, factor two does not support market modification.

⁵¹ See West Virginia Order.

⁵² See West Virginia Order, at ¶¶ 22-23.

⁵³ See West Virginia Order, at ¶ 24.

⁵⁴ See Harrison County Order, at ¶¶ 22-23, 29-30.

C. Access to In-State TV Broadcast Signals

The FCC's STELAR Order presumes consumer access to in-state television signals is sufficient to satisfy this factor, and it is undisputed that the Atlanta Stations provide programming related to Georgia. But there should be no additional weight given to this factor in this case—especially in light of the evidence that the In-Market Stations provide coverage of local news and issues of interest to Franklin County.

D. Coverage by Other Stations of News, Issues, and Events of Interest to Franklin County

The Petitions offer no evidence that the In-Market Stations fail to provide coverage of news, weather, sports, issues, and events of interest to Franklin County viewers. Instead, the evidence attached as Opposition Parties' Exhibits A-D reflects that the In-Market Stations serve viewers living in Franklin County, Elbert County, Hart County, Stephens County and their communities (the portions of Georgia that are in the In-Market Stations' DMA) in numerous ways, including through routine and consistent coverage of a significant number of regular local weather, news, sports, and election stories, as well as coverage of Georgia-oriented sports (in addition to North and South Carolina sports, which are also of interest to Franklin County viewers).

In recent months, for example, WHNS has reported on numerous stories specific too Franklin County, including covering a deadly officer-involved shooting in Carnesville, the investigation of suspected arson in the burning of a Franklin County schoolhouse, the sentencing of a man to 100 years in prison for the murder of two Lavonia police officers, and on the search for an armed and dangerous robbery suspect in Lavonia.⁵⁵ Likewise, WSPA regularly covers Franklin County, as proven through its recent coverage of (among other stories) a manhunt for an

⁵⁵ See Vann Decl., and Attachments 1-3.

armed suspect in Lavonia, officers' reaction to the plea deal made by a man accused of shooting two Lavonia police officers, and the hiring of a new football coach at Franklin County High School.⁵⁶ The same can be said for WYFF, which devotes significant airtime in its local newscasts to stories affecting its Georgia viewers. Specific to Franklin County, in recent months, WYFF has reported on the Georgia primary and Franklin County election results in early May 2018, on the death of a former NASCAR driver who died in a crash in Franklin County, a deadly officer-involved shooting in Carnesville, and on a murder-suicide investigation in a Franklin County home.⁵⁷ And WLOS, too, provides coverage of news, weather, and sports of interest to viewers in Franklin, Elbert, Hart, and Stephens Counties and their communities and, just in recent weeks, has reported on Georgia election results, severe weather in Northeastern Georgia, and extensively covered the Atlanta Braves.⁵⁸

In addition, WHNS, WSPA, and WYFF regularly provide Franklin County weather information, including severe weather alerts, school closings, and forecasts.⁵⁹ And the In-Market Stations also routinely provides coverage of Georgia-centric sports during their newscasts, including coverage of the Atlanta Braves, University of Georgia football, the Atlanta Falcons, the Masters' golf tournament, and more.⁶⁰ The In-Market Stations provide additional coverage similar to foregoing on their websites as well, including, in many cases, online stories targeted to Franklin, Elbert, Hart, and Stephens Counties and their communities.⁶¹

⁵⁶ See Higgins Decl., and Attachments 1-2.

⁵⁷ See Humphries Decl., and Attachments 1-3.

⁵⁸ See Fishleigh Decl., and Attachment 1.

⁵⁹ See Opposition Parties' Exhibits A-D.

⁶⁰ See Opposition Parties' Exhibits A-D.

⁶¹ See Opposition Parties' Exhibits A-D.

The Petitions complain that viewers in Franklin County want to see the Atlanta Falcons football games instead of the Carolina Panthers games and that they would prefer to receive more coverage of the Georgia Bulldogs and less coverage of the Clemson Tigers. But the evidence reveals that these generalizations are unsupported by the evidence with respect to coverage, and that—contrary to the Petitions’ implication—state lines are not the only determinant of allegiance to sports teams. When it comes to coverage of these sports teams, it appears market modification would be a solution in search of a problem.

The Atlanta Falcons played nine games on FOX last year, two games on NBC, two games on CBS, and two games on ESPN.⁶² Of these 16 games, only five of them were played at the same time as the Carolina Panthers.⁶³ This means that at least eleven of the 16 Atlanta Falcons games should have been available to viewers in Franklin County, either through the In-Market Stations or on ESPN.

The complaints about favoring Georgia over Clemson are betrayed by the availability of coverage of both teams by the In-Market stations and on cable networks. Clemson plays in the Atlantic Coast Conference (ACC), and ACC games generally broadcast on television on ABC or the ACC Network. Georgia plays in the Southeastern Conference (SEC), and the SEC games air on broadcast television on CBS. When Clemson and Georgia games do not air on ABC or CBS, respectively, they may air on cable sports channels such as ESPN, or the SEC Network. In other words, there should be few, if any scenarios in which Franklin County viewers cannot watch a

⁶² “A Week by Week Look at the Falcons’ 2017 Schedule,” AJC.com (April 20, 2017), available at <https://www.ajc.com/sports/football/week-week-look-the-falcons-2017-schedule/mpY93tW35r6s4cxHhjRbPP/>.

⁶³ “2017 Carolina Panthers Schedule,” charlotteobserver.com (April 20, 2017), available at <http://www.charlotteobserver.com/sports/nfl/carolina-panthers/article145877524.html>.

Georgia Bulldogs game because of a competing Clemson game airing on one of the In-Market Stations.

In addition, the Dabo Swinney Show (the head football coach of Clemson) pulls solid ratings in these Georgia counties—better, in fact, in some of those counties than in certain South Carolina counties.⁶⁴ Further, by car, Lavonia, Georgia, is approximately 31 miles away from Clemson, South Carolina and 41 miles away from Athens, Georgia.⁶⁵ The college football allegiances of Franklin County residents are not so easily defined by the state boundary lines as the Petitions would lead one to believe.

And, Petitioners' focus on access (or purported lack thereof) to coverage of the Atlanta United Major League Soccer team would not be affected by market modification, as the majority of the United's soccer games air on FOX sports cable channels—and occasionally on FOX.⁶⁶ Viewers watching the In-State Stations and viewers watching the Atlanta Stations have identical access to these games.

Finally, the Petitions make much of the fact that some of the In-Market Stations promote themselves with various “Carolina”-specific monikers. It is undisputed that the overwhelming

⁶⁴ Higgins Decl. at ¶ 6.

⁶⁵ Clemson to Lavonia driving distances *available at*:
<https://www.google.com/maps/dir/Clemson,+South+Carolina/Lavonia,+Georgia+30553/data=!4m8!4m7!1m2!1m1!1s0x88585dda01b900cb:0xd4000ff11bdcc047!1m2!1m1!1s0x88589b10a918d495:0x2ae5fe80c6b8632!3e0>.

Athens to Lavonia driving distances *available at*:
<https://www.google.com/maps/dir/Athens,+GA/Lavonia,+Georgia+30553/@34.1990462,-83.5606829,10z/data=!3m1!4b1!4m14!4m13!1m5!1m1!1s0x88f66d19b4b433b9:0x4d747202d69d617c!2m2!1d-83.357567!2d33.9519347!1m5!1m1!1s0x88589b10a918d495:0x2ae5fe80c6b8632!2m2!1d-83.106818!2d34.4359361!3e0>.

⁶⁶ “2018 Atlanta United TV Schedule,” [dirtysouthsoccer.com](https://www.dirtysouthsoccer.com) (March 2, 2018), available at <https://www.dirtysouthsoccer.com/2018/1/4/16850088/2018-atlanta-united-tv-schedule>.

majority of the Opposition Parties' viewers are located in South Carolina and North Carolina. It is only natural that a station may reflect that statistical fact when developing promotional campaigns. But it is not a station's marketing that matters here; instead, the relevant evidence is that of local service to Franklin County provided by the In-Market Stations, as demonstrated in Opposition Parties' Exhibits A-D.

E. Viewing Patterns in Franklin County

The Petitions offer no evidence relating to viewing patterns and audience share of the Atlanta Stations in Franklin County. The Opposition Parties have reviewed Nielsen data for the In-Market Stations and the Atlanta Stations and submit that the data demonstrates that viewers in Franklin County prefer the In-Market Stations over the Atlanta Stations.

V. Conclusion

The Petitions seek nothing more than a market modification based on the fact that Franklin County residents do not receive programming from the Atlanta Stations. The Petitions should be denied because (i) the Petitions lack the required evidence to support their requested relief, (ii) the Petitions fail upon any analysis of all five statutory factors. To grant a modification on these facts would require the Commission to turn a blind eye to all but one statutory factor—access to in-state programming—and continue opening the door to an avalanche of similar petitions based on similarly singular evidence. For all of these reasons, the Petitions should be denied.

Respectfully submitted,

/s/

Mark J. Prak

Charles F. Marshall

Elizabeth Spainhour

Timothy G. Nelson

BROOKS, PIERCE, MCLENDON,

HUMPHREY & LEONARD, L.L.P.

150 Fayetteville Street, Suite 1700

Raleigh, North Carolina 27601

Telephone: (919) 839-0300

Facsimile: (919) 839-0304

*Counsel to WYFF Hearst Television Inc., Meredith
Corporation, Nexstar Broadcasting, Inc., and
WLOS Licensee LLC*

June 7, 2018

Certificate of Service

The undersigned does hereby certify that I caused a copy of the foregoing **Joint Opposition to Petitions for Special Relief** to be placed in the U.S. Mail, first-class postage prepaid, addressed as follows:

Franklin County Board of Commissioners
141 Athens Street
Carnesville, GA 30521

WLOS
110 Technology Drive
Asheville, NC 28803

Franklin County Board of Commissioners
P.O. Box 159
Carnesville, GA 30521

WSB-TV
601 West Peachtree Street, NE
Atlanta, GA 30309

WXIA
One Monroe Place NE
Atlanta, GA 30324

WYFF
505 Rutherford Street
Greenville, SC 29609

WAGA
1551 Briarcliff Road NE
Atlanta, GA 30306

WHNS
21 Interstate Court
Greenville, SC 29615

WGCL
425 14th Street NW
Atlanta, GA 30318

WSPA-TV
250 International Drive
Spartanburg, SC 29303

DIRECTV, LLC
Local-Into-Local Market Modification
2260 East Imperial Highway
El Segundo, CA 90245

Ms. Alison A. Minea
Director & Senior Counsel, Regulatory Affairs
Dish Network, LLC
1110 Vermont Avenue, NW Suite 750
Washington, DC 20005

This the 7th day of June, 2018

/s/

Timothy G. Nelson
BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

EXHIBIT A

DECLARATION AND VERIFICATION OF LES VANN

Declaration and Verification of Les Vann

I, Les Vann, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the Vice President and General Manager of WHNS(TV) (“WHNS”), Greenville, South Carolina, and I have held this position since April 2017.
3. WHNS is the Fox affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WHNS serves four counties located in Georgia, including Franklin County, Hart County, Elbert County, and Stephens County.
4. WHNS has been carried on DIRECTV and DISH in Franklin County, Georgia, at least since February of 2000 (DIRECTV) and September of 2000 (DISH) in the Greenville-Spartanburg-Asheville-Anderson DMA. WHNS is carried on Channel 21 on DISH and on Channel 21 on DIRECTV in Franklin County.
5. WHNS regularly provides local news, weather, school closings, and EAS alerts, and other information of local interest to the residents of Franklin County and the other three Georgia Counties in the DMA. Since February 2016, WHNS has aired dozens of stories focused on Franklin County, Hart County, Elbert County, Stephens County, and their communities. Some recent examples are attached to this Declaration as Attachments 1, 2, and 3.
6. To the best of my knowledge, no one from Franklin County consulted with WGCL, the station owned by Meredith Corporation in the Atlanta DMA, prior to filing its Petition for Market Modification.
7. WHNS aired two Atlanta United soccer games during the team’s inaugural season in 2017.
8. WHNS aired ten Atlanta Falcons games during the 2016 regular season and 5 Atlanta Falcons games during the 2017 regular season.
9. I verify that the factual matters contained in the foregoing Joint Opposition to Petitions for Special Relief are true and correct to the best of my information, knowledge, and belief.

[signature appears on the following page]

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

6-5-18
Date

Leslie T. Vann
Leslie T. Vann
Vice President and General Manager
WHNS(TV)

ATTACHMENT 1

EXAMPLES OF WHNS PROGRAMMING COVERING FRANKLIN COUNTY

Store managers, workers react to Lavonia police shootings

Posted: Dec 13, 2016 6:51 PM EST Updated: Jan 10, 2017 11:00 PM EST



LAVONIA, GA (FOX Carolina) -

Flashing blue lights surrounded J Peters Restaurant in Lavonia after two police officers were shot after attempting to arrest a suspect with a stolen vehicle Monday night.

"Twenty to thirty cars, helicopters in the air," Brian Oxford said. "They had shut down the road and we in turn shut down the restaurant."

Oxford is the general manager with J Peters, and on Monday as he served customers, he also dished out the restaurant's security plan.

"We have that at our orientations. We get constant emails from the president of the company to encourage us to be safe- that we don't prop doors, we keep doors locked," Oxford said.

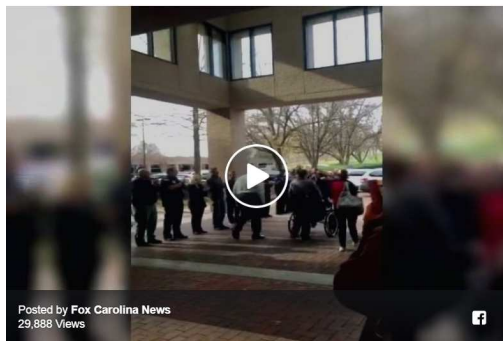
WATCH: Lavonia officer discharged from hospital after shooting

Posted: Dec 20, 2016 3:12 PM EST Updated: Jan 17, 2017 3:24 PM EST

GREENVILLE, SC (FOX Carolina) –

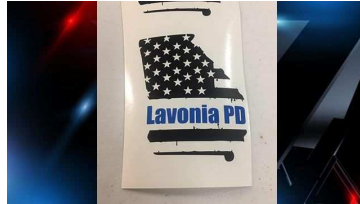
Applause greeted Captain Michael Schulman as he was released from Greenville Memorial Hospital on Tuesday.

Schulman was one of two police officers shot during a traffic stop in Lavonia, Georgia on Dec. 12. Officer Jeffery Martin, who was struck in the hand, underwent surgery to remove the bullet and was quickly released.



Business sells decals, t-shirts in support of Lavonia officers shot in line of duty

Posted: Dec 21, 2016 7:48 PM EST Updated: Jan 18, 2017 7:48 PM EST



LAVONIA, GA (FOX Carolina) –

A community continues to rally together in support of two Lavonia officers shot in the line of duty this month.

Just over a week ago, Lavonia officer Jeffery Martin and Captain Michael Schulman were shot by a Greenville man while responding to a traffic stop in the Zaxby's parking lot off I-85.

Residents, businesses and churches have come together in the days following the tragic incident to show support and appreciation for the wounded officers.

Man accused of shooting 2 Lavonia officers has preliminary hearing

Posted: Jan 04, 2017 5:35 AM EST Updated: Feb 01, 2017 5:35 AM EST



LAVONIA, GA (FOX Carolina) -

The Greenville man accused of shooting two Lavonia, GA police officers after a traffic stop in December appeared in court Wednesday for a preliminary hearing.

Khari Gordon was charged with two counts of felony intent of murder, two counts of aggravated assault on an officer and possession of a weapon during the commission of a violent crime after the Dec. 12 shooting.

Lavonia Police Department to honor wounded officers

Posted: Jan 12, 2017 1:24 PM EST Updated: Feb 09, 2017 1:24 PM EST



LAVONIA, GA (FOX Carolina) -

A ceremony will be held in February to honor two Lavonia policemen wounded in the line of duty.

Officer Jeffery Martin, 22, and Captain Michael Schulman, 50, were shot while investigating a stolen vehicle in Franklin County on Dec. 12. Both officers were hospitalized for gunshot wounds but later released.

Lavonia officers: "He took a bullet for me, that's my brother."

Posted: Dec 21, 2016 11:27 PM EST Updated: Jan 18, 2017 11:50 PM EST



LAVONIA, GA (FOX Carolina) -

"The first thing I said was 'I have to forgive this guy who shot me, because if I don't, all of this anger is going to be pent up inside me.'"

Captain Michael Schulman recounts the night he and fellow Officer Jeffrey Martin were shot in the line of duty in Lavonia, Ga.

New GBI initiative aims to slow down opioid crisis

Posted: Nov 16, 2017 11:24 PM EST Updated: Dec 14, 2017 11:55 PM EST



LAVONIA, GA (FOX Carolina) -

Lavonia is just a small town, home to less than 2,300 people. But according to police chief Bruce Carlisle, even its citizens have been caught in the opioid crisis sweeping Georgia.

Police seek suspect who passed teller note saying "gun \$ now" during Franklin Co. bank robbery

Posted: Jan 12, 2018 8:55 PM EST Updated: Feb 09, 2018 8:55 PM EST



LAVONIA, GA (FOX Carolina) -

Police need your help to identify the suspect in a bank robbery in Franklin County on Thursday.

Officers said the incident happened around 6:11 p.m. at Dills Grocery Store on the 12,000 block of Augusta Road in Lavonia.

Dispatchers said the suspect walked to the North East Georgia Bank inside the grocery store, and gave a teller a note that said, "gun \$ now," on it before the teller quietly gave him around \$1,000.

Video shows liquor store clerk attacked by robbery suspect in motorcycle helmet

Posted: Jan 29, 2018 2:10 PM EST Updated: Feb 27, 2018 5:11 PM EST



LAVONIA, GA (FOX Carolina) -

The Lavonia Police Department is investigating a robbery at a liquor store on Monday morning.

According to police, a suspect in a black jumpsuit and a motorcycle helmet entered the Downtown Beverage store on Jones Street around 9 a.m. and demanded money from a clerk.

Lavonia police searching for 'armed, dangerous' robbery suspect

Posted: Jan 30, 2018 10:05 AM EST Updated: Jan 30, 2018 10:05 AM EST



LAVONIA, GA (FOX Carolina) -

The Lavonia Police Department have asked for help tracking down a robbery suspect who investigators believe is armed and dangerous.

Police said Christopher Kevin McIntosh was charged with armed robbery for an incident that took place at Downtown Beverage on Monday.

Lavonia PD: Police lieutenant dies unexpectedly

Posted: Feb 09, 2018 12:14 PM EST Updated: Mar 09, 2018 12:14 PM EST



LAVONIA, GA (FOX Carolina) -

The Lavonia Police Department announced Friday that Lieutenant Scot Stowe had died unexpectedly.

Stowe had worked for the Lavonia Police Department for ten years and was assigned as a night shift commander.

Police seek suspect who passed teller note saying "gun \$ now" during Franklin Co. bank robbery

Posted: Jan 12, 2018 8:55 PM EST Updated: Feb 09, 2018 8:55 PM EST



LAVONIA, GA (FOX Carolina) -

Police need your help to identify the suspect in a bank robbery in Franklin County on Thursday.

Officers said the incident happened around 6:11 p.m. at Dills Grocery Store on the 12,000 block of Augusta Road in Lavonia.

Greenville man sentenced to 100 years in shooting of 2 GA officers

Posted: Feb 09, 2018 1:34 PM EST Updated: Mar 09, 2018 1:34 PM EST



LAVONIA, GA (FOX Carolina) -

The man who opened fire on Lavonia police officers, injuring two in 2016, pleaded guilty in court on Thursday.

Khari Gordon, 23, of Greenville was arrested in December 2016 after police said he shot two officers during a traffic stop near Jones Street in Lavonia, Georgia. Gordon was driving a car reported stolen out of Greenville, police said.

Fire at old GA schoolhouse ruled as arson

Posted: Mar 14, 2018 1:04 PM EDT Updated: Apr 11, 2018 3:23 PM EDT



SANDY CROSS FIRE

Fire officials said the fire at the former Sandy Cross Schoolhouse has been ruled as arson. (Sandy Cross Fire Department).

Deadly deputy-involved shooting under investigation in Carnesville

Posted: May 14, 2018 5:22 AM EDT Updated: May 14, 2018 2:01 PM EDT



CARNESVILLE, GA (FOX Carolina) -

The Georgia Bureau of Investigation is investigating a deadly officer-involved shooting in Franklin County, according to Nelly Miles, the Public Affairs Director for the agency.

ATTACHMENT 2

**LIST OF WHNS STORIES COVERING
FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES**

WHNS NEWS STORIES COVERING FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES

<u>GA COUNTY</u>	<u>STORY</u>	<u>ON-AIR</u>	<u>DATE</u>
ELBERT	Georgia man urges everyone to not drive distracted after wife paralyzed	YES	28-Aug-16
ELBERT	GBI: Man dead in Elberton officer-involved shooting	YES	27-Oct-16
ELBERT	Deputies: Suspect in custody after man found dead at gas station	YES	16-Mar-17
ELBERT	Woman killed, deputy hurt when patrol car crashes into another car	YES	10-Apr-17
ELBERT	Elbert County Schools cancel classes for total solar eclipse	NO	13-Aug-17
ELBERT	Murder suspect arrested in Upstate extradited back to Georgia	YES	5-Oct-17
ELBERT	Sheriff: 3 in custody after missing elderly man found dead in pond	YES	9-Jan-18
ELBERT	Deputies: 3 arrested in connection with fatal shooting of 86-year-old man	YES	10-Jan-18
ELBERT	GA homeowner finds most wanted Anderson County suspect hiding on property	YES	25-Jan-18
ELBERT	Police: Teen charged with making terrorist threats about shooting up Elbert Co. High School	YES	15-Mar-18
ELBERT	Coroner: Investigation underway after missing man found Elbert County	YES	2-May-18
ELBERT	Train collides with pickup truck in Elberton	YES	21-May-18
FRANKLIN	Deputies: Lavonia man arrested on carjacking charges	NO	8-Sep-16
FRANKLIN	Store managers, workers react to Lavonia police shootings	YES	13-Dec-16
FRANKLIN	Watch: Lavonia police officer discharged from hospital after shooting	YES	20-Dec-16
FRANKLIN	Business sells decals, t-shirts in support of Lavonia officers shot in the line of duty	YES	21-Dec-16
FRANKLIN	Heavy traffic on I-85 in Franklin County after truck catches fire, one lane blocked	NO	26-Dec-16
FRANKLIN	Man accused of shooting two Lavonia officers due in court Wednesday	YES	4-Jan-17
FRANKLIN	Lavonia police department to honor wounded officers	YES	12-Jan-17
FRANKLIN	Lavonia officers: He took a bullet for me, He's my brother.	YES	18-Jan-17
FRANKLIN	Deputies: YouTuber behind popular gun videos arrested on drug charges in Franklin County	NO	28-Aug-17
FRANKLIN	Lavonia Police searching for suspect after robbery at Dollar General	NO	3-Sep-17
FRANKLIN	New GBI initiative aims to slow down opioid crisis	YES	16-Nov-17
FRANKLIN	Police seek suspect who passed teller note saying "gun now" during Franklin Co. bank robbery	YES	12-Jan-18
FRANKLIN	Video shows liquor store clerk attacked by robbery suspect in motorcycle helmet	YES	29-Jan-18
FRANKLIN	Lavonia police searching for "armed, dangerous" robbery suspect	YES	30-Jan-18
FRANKLIN	Lavonia PD police lieutenant dies unexpectedly	YES	9-Feb-18
FRANKLIN	Police seek suspect who passed teller note saying "gun now" during Franklin Co. bank robbery (	YES	9-Feb-18
FRANKLIN	Greenville man sentenced to 100 years in shooting of two Georgia officers	YES	9-Mar-18
FRANKLIN	Fire officials investigating suspicious weekend fire at old Georgia schoolhouse	YES	14-Mar-18
FRANKLIN	Deadly deputy-involved shooting under investigation in Carnesville	YES	14-May-18
FRANKLIN	GBI: 11-year-old hid while gunman shot 3 with shotgun Franklin Co. home	YES	14-May-18
FRANKLIN	2.4 magnitude earthquake in Franklin County, per preliminary report	NO	30-May-18
HART	Firefighters battling blaze at Georgia canola plant	NO	9-Dec-16
HART	Woman killed in rollover crash in Hart Co.	NO	3-Feb-17
HART	Storms sent trees crashing down, partially tore roofs off homes in Hart Co.	YES	6-Apr-17
HART	Severe storm rips through Hart County	YES	6-Apr-17
HART	Deputies seek armed and dangerous suspect in Hart Co.	YES	13-Jul-17
HART	Nestle Purina brings hundreds of jobs, \$320 million investment to Hart Co.	YES	27-Sep-17
HART	Sheriff identifies 23-year-old drowning victim pulled from Lake Hartwell	YES	29-Nov-17
HART	Hart County teacher charged with child molestation	YES	7-Dec-17
HART	Deputies: Man arrested after child porn found during burglary investigation	YES	1-Feb-18
HART	Hart County deputies seek suspect wanted in homicide	YES	2-Mar-18
HART	Man accused of killing wife, a mother of 3, arrested in Anderson Co.	YES	7-Mar-18
HART	Hartwell mayor confirms health insurance cancellations for city employees	YES	3-Apr-18
HART	Police: Grandmother arrested after baby killed in dog attacked received multiple past citations	YES	12-Apr-18
HART	Five firefighters treated for chemical exposure after battling house fire	YES	28-Apr-18
HART	Hart Co. deputies seek suspected wanted in homicide (update)	YES	2-Mar-18
HART	Dispatch: fire crews working to control house fire in Hart Co.	YES	15-May-18

STEPHENS	Toccoa home destroyed in fire	YES	13-Feb-16
STEPHENS	Inmate dies after being found unresponsive in Stephens Co. jail	NO	26-Feb-16
STEPHENS	Deputies searching for stolen giraffe statue, possibly spooted in Anderson Co.	NO	13-Apr-17
STEPHENS	Upstate law enforcement, Hazmat respond after unknown substance found in Toccoa, GA (This	NO	22-Jun-17
STEPHENS	Georgia State Patrol identifies 3 teens killed in Stephens Co. crash	YES	30-Jul-17
STEPHENS	Investigators issue 30 arrest warrants, seize one pound of meth in 8-month-long drug bust	YES	31-Jul-17
STEPHENS	Troopers: Upstate man to face charges after chase began in GA, ended in crash in SC	NO	16-Aug-17
STEPHENS	Investigators issue 30 arrest warrants, seize one pound of meth in 8-month-long drug bust (upd	NO	28-Aug-17
STEPHENS	GA teen injured in hit-and-run, driver still on the loose	YES	1-Feb-18
STEPHENS	GA teen injured in hit-and-run, driver still on the loose (update)	YES	1-Feb-18
STEPHENS	Massive sinkhole opens up in Stephens Co.	YES	16-May-18
STEPHENS	Stephens Co. voters divided, but pass Sunday alcohol sales in Stephens Co, City of Toccoa	YES	23-May-18

ATTACHMENT 3

**SCREENSHOTS OF WHNS STORIES COVERING
FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES (NEWS, ELECTION, AND
WEATHER COVERAGE)**

**WHNS-TV, FOX CAROLINA NEWS
SCREENSHOT FROM
WEATHER ADVISORY/WARNING BUG –
FRANKLIN COUNTY**

Winter Weather Advisory
Franklin



CHURCH
CLOSINGS

EBENEZER BAPTIST CHURCH WEST UNION
EVENING SERVICES CANCELED

5:25 28°

**WHNS-TV, FOX CAROLINA NEWS
SCREENSHOT FROM
SCHOOL CLOSINGS TICKER –
FRANKLIN COUNTY**

PROVIDED BY: SCDOT
Winter Weather Advisory
Cherokee

WINTER WEATHER

CREWS WORK TO CLEAR UPSTATE ROADS

VIDEO PROVIDED BY SCDOT



SCHOOL
CLOSINGS

FRANKLIN COUNTY SCHOOLS
OPENING 2 HOURS LATE

10:04 21°

2018-01-17 22:04:58.23



**WHNS-TV, FOX CAROLINA NEWS
COVERAGE SCREENSHOTS FROM
FRANKLIN COUNTY**

Winter Storm Watch
Mitchell



SEARCH CONTINUES FOR WANTED SUSPECT

FRANKLIN COUNTY

2018-03-19 23:07:33.10



LIVE

BREAKING NEWS

ONE DEAD IN OFFICER INVOLVED SHOOTING

FRANKLIN COUNTY



GREENWOOD

68°

8:03

AND STORMS WILL CONTINUE WITH HIGHS IN THE 70S TO LOW 80S..... STARTING WARM

POOL & SPA
CONNECTION

2018-05-14 08:03:06.09



COVERING OUR COUNTIES



DEADLY OFFICER-INVOLVED SHOOTING

FRANKLIN COUNTY



2018-05-14 23:05:40.07



**WHNS-TV, FOX CAROLINA NEWS
SCREENSHOTS FROM GEORGIA
ELECTION TICKER**



FUTURECAST - EURO

12:00 PM THURSDAY

RAIN HAIL SNOW

Missouri Moosonee
Salt Lake City Denver Wichita
Albuquerque Dallas
Paso Houston
Memphis Atlanta Greenville Raleigh
Jacksonville Tampa

CO

You Decide
2018

US HOUSE OF
REPRESENTATIVES,
DISTRICT 9 - DEM.

✓ JOSH MCCALL (D)
DAVE COOPER (D)

6,936
6,224

53%
47%

PRECINCTS
REPORTING

100%

2018-05-23 16:13:45.07



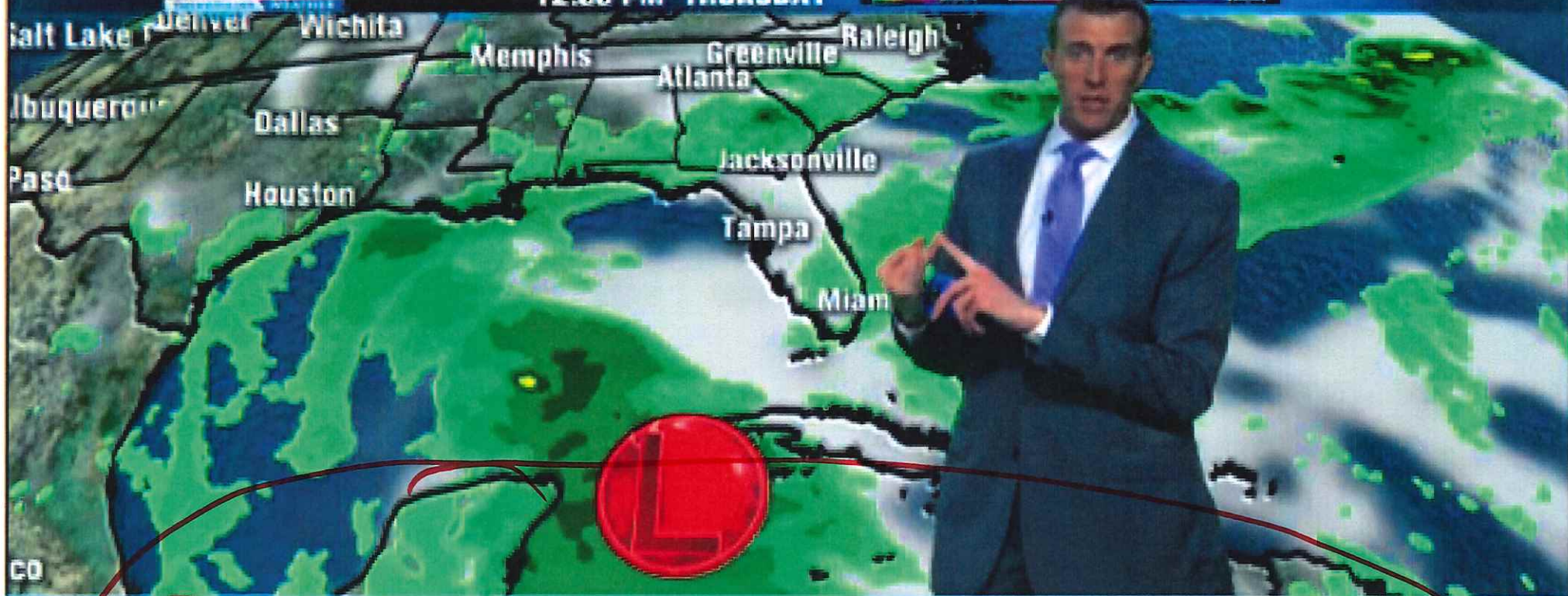


CAROLINA

FUTURECAST - EURO

12:00 PM THURSDAY

RAIN SNOW



Vote
Decide
2018

GA GOVERNOR
REPUBLICAN

✓ CASEY CAGLE (R)
✓ BRIAN KEMP (R)

236,498 39%
154,913 26%

PRECINCTS
REPORTING 99%

2018-05-23 16:13:50.04





FUTURECAST - GFS

5:00 AM FRIDAY

5:00 AM

5:00 AM

5:00 AM

Greensboro

Asheville

Hendersonville

Greenville

Anderson

Laurens

Greenwood

You Decide 2018

GA GOVERNOR -
DEMOCRAT

✓ STACEY ABRAMS (D)
STACEY EVANS (D)

422,531 76%
130,253 24%

PRECINCTS REPORTING 99%

2018-05-23 16:14:05.11





MEMORIAL DAY WEEKEND RAIN

60% Chance For
Tropical Development

INVEST 90-L
Location: 19.5°N, 88.5°W
Wind: 30 mph
Movement: ~~NNW~~ at 9 mph

You
Decide
2018

CITY OF TOCOGA
SUNDAY ALCOHOL
SALES REFERENDUM

YES
NO

478
449

52%
48%

PRECINCTS
REPORTING

100%

2018-05-23 16:13:44.00





**You
Decide
2018**

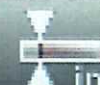
FRANKLIN COUNTY
JAIL REFERENDUM

YES	885	33%
NO	1,822	67%

PRECINCTS
REPORTING

100%

2018-05-23 17:45:52.00





You
Decide
2018

FRANKLIN COUNTY
BOARD OF
EDUCATION, POST 3

RANDALL GALEY (R)
JEREMY MADDEN (R)

1,209	52%
1,105	48%

PRECINCTS
REPORTING 100%

2018-05-23 17:45:41.09





TEACHERS RETURN AFTER SHOOTING

SANTA FE, TX



STEPHENS COUNTY
SUNDAY ALCOHOL
SALES REFERENDUM

YES	1,573	50%
NO	1,562	50%

PRECINCTS
REPORTING 100%

2018-05-23 17:46:27.08





**You
Decide
2018**

STEPHENS COUNTY
COMMISSIONER, POST
4

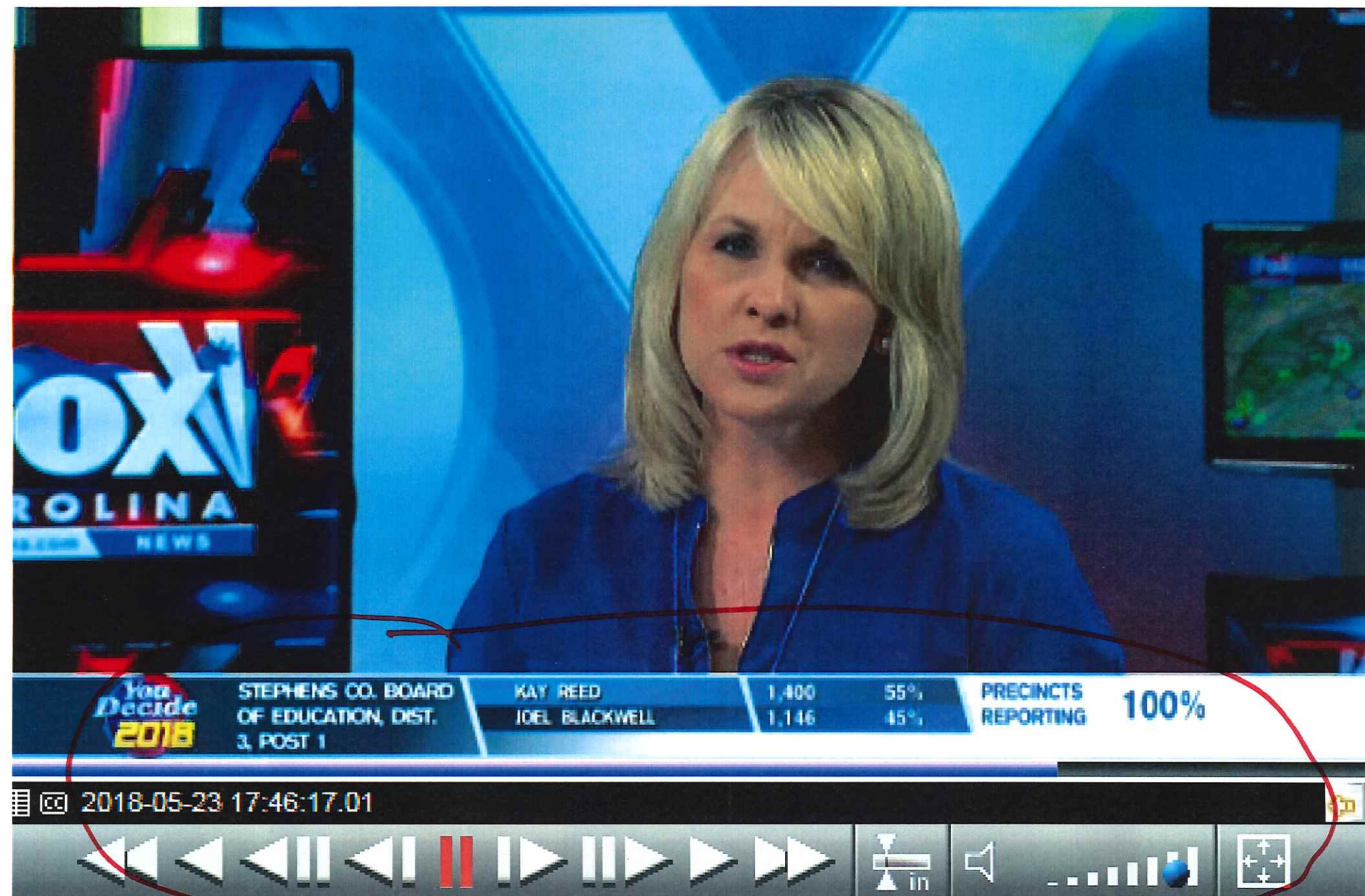
JIM LEDFORD
HENRY MOORE

467 18%
196 8%

PRECINCTS
REPORTING **100%**

2018-05-23 17:46:01.23





**WHNS-TV, FOX CAROLINA NEWS
SCREENSHOTS FROM WEATHER
GRAPHICS THAT INCLUDE CITIES IN
ELBERT, FRANKLIN HART & STEPHENS
COUNTIES**



FUTURECAST CLOUDS/PRECIP

4:00 PM FRIDAY

RAIN SNOW



2018-05-24 22:52:15.14





RAIN TOTALS

Accumulation: 1.8"



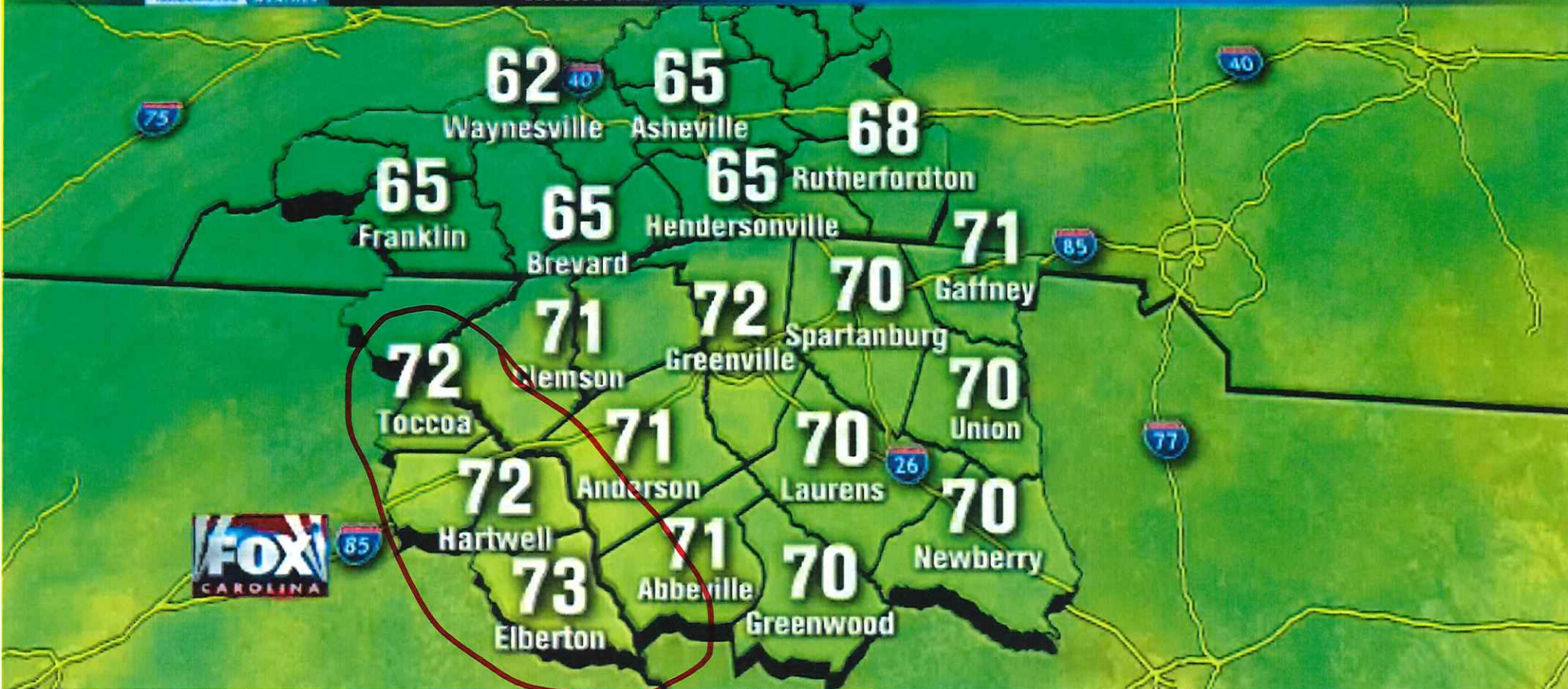
2018-05-24 22:51:34.01





TEMPERATURES

RIGHT NOW





IRMA TORNADO THREAT

EVENING/OVERNIGHT



SCHOOL CLOSINGS

GREENWOOD CO. SCHOOLS DIST. 50
OPENING 2 HOURS LATE

5:48 60°

Wind will intensify this afternoon. Watch a special edition of FOX Carolina News at noon for

2017-09-11 17:48:58.11



EXHIBIT B

DECLARATION AND VERIFICATION OF MARK HIGGINS

Declaration and Verification of Mark Higgins

I, Mark Higgins, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the Vice President and General Manager, Nexstar Broadcasting, Inc., the licensee of television station WSPA-TV ("WSPA"), Spartanburg, South Carolina, and I have held this position since January 2017. Prior to that (under previous ownership), effective as of October 2016, I held the position of President and General Manager of WSPA.
3. WSPA is the CBS affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WSPA serves four counties located in Georgia, including Franklin County, Hart County, Elbert County, and Stephens County.
4. WSPA has been carried on DISH and DIRECTV in Franklin County, Georgia, at least since December 29, 1999. WSPA is carried on Channel 7 on DISH and on Channel 7 on DIRECTV in Franklin County.
5. WSPA regularly provides local news, weather, school closings, traffic and EAS alerts, and other information of local interest to the residents of Franklin County and the other three Georgia Counties in the DMA. Since January 2017, WSPA has aired dozens of stories focused on Franklin County, Hart County, Elbert County, Stephens County, and their communities. Some recent examples are attached to this Declaration as Attachments 1 and 2.
6. WSPA airs The Dabo Swinney Show (Swinney is Clemson University's football coach). The show performs better in terms of ratings in some of the four Georgia Counties located in the Greenville-Spartanburg-Asheville-Anderson than it does in some South Carolina counties.
7. I verify that the factual matters contained in the foregoing Opposition to Petitions for Special Relief are true and correct to the best of my information, knowledge, and belief.

[signature appears on the following page]

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

6/6/18
Date

Mark Higgins
Mark Higgins
Vice President and General Manager
Nexstar Broadcasting, Inc.

ATTACHMENT 1

EXAMPLES OF WSPA PROGRAMMING COVERING FRANKLIN COUNTY

Manhunt for armed suspect ends in Lavonia

WSPA 7News

Posted: Mar 20, 2018 12:11 PM EDT

Updated: Mar 20, 2018 10:24 PM EDT

LAVONIA, GA - FRANKLIN COUNTY, GA (WSPA) - The manhunt is over for an armed man in northeast Georgia.

Franklin County Sheriff Stevie Thomas said deputies were searching for a man who fled a chase around 7:30 p.m. on March 14.



Suspect dead after shootout with deputies in Georgia

WSPA 7News

Posted: May 14, 2018 06:05 AM EDT

Updated: May 14, 2018 01:05 PM EDT



FRANKLIN Co., Ga. (WSPA) -- A shooting suspect is dead after opening fire on deputies responding to a domestic disturbance in northeast Georgia. Authorities say three victims were also found following the shootout.

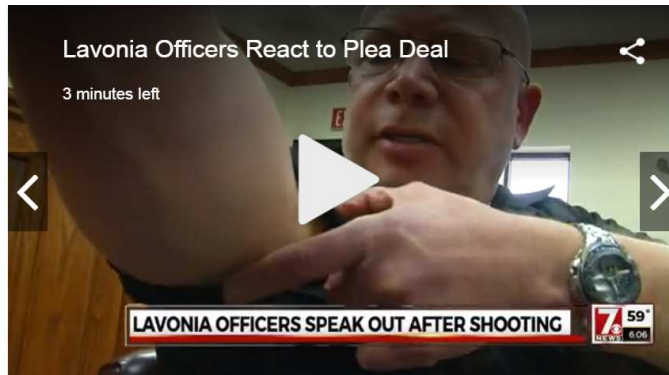
It happened Sunday night at a home in Carnesville.

Franklin County Sheriff Steve Thomas said a woman reported her boyfriend was intoxicated and she wanted him to leave her home.

Lavonia officers discuss shooter's plea deal

Posted: Feb 14, 2018 05:44 PM EST

Updated: Feb 14, 2018 05:44 PM EST



LAVONIA, GA (WSPA) - A Greenville man accused of shooting two Lavonia Police Department officers pleaded guilty last Thursday in a Franklin County courtroom.

Khari Gordon was accused of shooting Officer Jeffery Martin and Captain Michael Schulman during a traffic stop on December 12, 2016.

"It entered in between my vest, and it shattered two ribs and punctured my lung," said Capt. Schulman, who recorded the shooting on his body camera.

Martin said he pulled Gordon over because the car he was driving had a written out tag. Martin says he called for back up and was speaking with Gordon for three minutes in a Zaxby's parking lot before his partner, Schulman arrived.

Pendleton's Sutherland Takes Job In Georgia

Posted: Jan 18, 2018 02:44 PM EST

Updated: Jan 18, 2018 02:44 PM EST



Former Pendleton High School head football coach Paul Sutherland has taken the same job at Franklin County High School in Georgia. The move came earlier this week.

Sutherland guided the Bulldogs for 17 seasons, compiling a 121-69 mark, including a four-season run from 2003 to 2006 in which his teams were 43-8.

VIDEO: Help police find armed robbery suspect in Lavonia

Posted: Sep 02, 2017 04:17 PM EDT

Updated: Sep 02, 2017 04:17 PM EDT



LAVONIA, GA (WSPA) - The Lavonia Police Department is asking for your help after a store on Jones Street was robbed.

The armed robbery happened at Dollar General on Thursday, August 31st.

The suspect is described as a slim, white man, between the ages of 18 and 21, police say.

They say he is between 5'8" and 5'10" tall. Police say he entered the store just after the last customer left, and was in and out in about two minutes.

Olympic swimmer teaches Haitian orphans to swim in NE GA

Posted: Aug 10, 2017 05:21 PM EDT

Updated: Aug 10, 2017 05:21 PM EDT



(WSPA) - An orphanage of Haiti children are learning to swim thanks to an Olympic swimmer.

For the last two days, Olympic swimmer Naomi Grand' Pierre has been spending time in the pool with these kids.

This group is traveling the country singing with the organization "Love Him, Love Them" to raise money to help with improvements in their country.

Local News

Lavonia Police shooter suspect back in court, additional charge filed

Posted: Jan 04, 2017 04:43 PM EST

Updated: Jan 04, 2017 04:43 PM EST



LAVONIA, GA (WSPA-TV) - A Greenville man accused of shooting two Georgia police officers last month was back before a judge, Wednesday.

22- year-old Khari Gordon faces multiple charges, including two counts of attempted murder.

Wednesday, his family was denied a private meeting with Gordon and, thus, claimed unfair treatment by police.

ATTACHMENT 2

**LIST OF WSPA STORIES COVERING
FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES**

WSPA NEWS STORIES COVERING FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES

<u>County</u>	<u>News Story</u>	<u>Date</u>	<u>On-Air</u>
Elbert	Train vs. Truck crash in Elberton	5/21/18	Y
Elbert	Student Brings 2 BB Guns to School	4/23/18	
Elbert	Elbert Co. Student Arrested	3/15/18	
Elbert	Elbert Co. Schools Cancel Classes	8/13/17	
Elbert	Woman killed in crash w/Elbert County Deputy	8/10/17	
Elbert	Severe Weather / Storm Reports	4/5/17	Y
Elbert	One In Custody After Body Found	3/16/17	
Franklin	1 Dead, 3 Wounded in shooting involving GA Deputy	5/14/18	
Franklin	\$565K marijuana grow operation found in Franklin Co.	4/30/18	
Franklin	Former NASCAR driver & son killed in Franklin Co. crash	4/28/18	
Franklin	Manhunt for armed suspects ends in Lavonia	3/20/18	Y
Franklin	Deputies Searching for armed man in Franklin Co.	3/15/18	
Franklin	Suspect dead after shootout with GA deputies	3/14/18	Y
Franklin	Lavonia Officers discuss shooter's plea deal	2/14/18	Y
Franklin	Man accused in Lavonia Police shooting pleads guilty	2/8/18	
Franklin	Suspect in Lavonia Business Robbery In Custody	1/29/18	
Franklin	Pendleton Coach takes job in Franklin Co. High School	1/18/18	Y
Franklin	Warrant issued for Lavonia Bank Robbery Suspect	1/18/18	
Franklin	Carjacking suspect captured in Franklin County	9/15/17	
Franklin	Help Police find suspect in Lavonia Bank Robbery	9/2/17	Y
Franklin	Olympic swimmer teaches kids to swim in NE GA	8/10/17	Y
Franklin	Former Upstate Mayor arrested in Franklin Co.	6/25/17	
Franklin	Ceremony honors Lavonia Police officers shot	2/11/17	
Franklin	Lavonia Police shooter suspect back in court	1/4/17	Y
Hart	Investigation into what sent 5 Hart County FF to hospital	5/1/18	Y
Hart	5 Firefighters out of hospital in Hart County	5/1/18	
Hart	Woman gets 10 yrs probation in Hart County	4/12/18	Y
Hart	Hartwell GA. Doctor arrested in child molestation charges	4/10/18	Y
Hart	Hartwell city employees to lose health insurance	4/5/18	Y
Hart	Suspect in deadly GA shooting arrested in Upstate	3/6/18	
Hart	Upstate part of NE Georgia TB Investigation	2/1/18	Y
Hart	Two cases of drug resistant TB found in NE Georgia	1/20/18	
Hart	Hart County Teacher Charged with 2nd Count	12/14/17	
Hart	Hart County Teacher Charged with Child Molestation	12/6/17	
Hart	Nestle bringing 240 new jobs to Hartwell, GA	9/27/17	
Hart	Property searched for Hart County missing woman	9/18/17	
Hart	Toddler killed by dogs, grandmother charged	8/1/17	Y
Hart	Deputies searching for Hart Co. armed robbery suspect	7/13/17	
Stephens	More rain expected, sinkhole in Toccoa, GA	5/17/18	Y
Stephens	Teen hit by Jeep, search for driver	1/31/18	
Stephens	Missing teen in Stephens County found	11/14/17	
Stephens	Police chase ends with head on crash	8/16/17	
Stephens	30 arrests after drug bust in Toccoa GA	7/31/17	
Stephens	Spring Branch Boat Ramp Temporarily Closes	2/6/17	

EXHIBIT C

DECLARATION AND VERIFICATION OF JOHN HUMPHRIES

Declaration and Verification of John Humphries

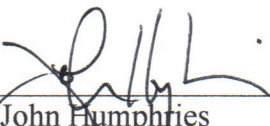
I, John Humphries, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the President and General Manager of WYFF(TV) ("WYFF"), Greenville, South Carolina, and I have held this position since July 2016. I also served as Director of Sales for WYFF from 2006 to 2012.
3. WYFF is the NBC affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WYFF serves four counties located in Georgia, including Franklin County, Hart County, Elbert County, and Stephens County.
4. WYFF has been carried on DISH and DIRECTV in Franklin County, Georgia, at least since each launched local-into-local service in the Greenville-Spartanburg-Asheville-Anderson DMA. WYFF is carried on Channel 4 on DISH and on Channel 4 on DIRECTV in Franklin County.
5. WYFF regularly provides local news, weather, school closings, traffic and EAS alerts, and other information of local interest to the residents of Franklin County and the other three Georgia Counties in the Greenville-Spartanburg-Asheville-Anderson DMA. Since June 2017, WYFF has aired dozens of stories focused on Franklin County, Hart County, Elbert County, Stephens County, and their communities. Some recent examples are attached to this Declaration as Attachments 1, 2, and 3.
6. WYFF regularly receives advertising buys from at least one company based in Franklin County, and WYFF has in the past received advertising buys from political candidates running for office in Georgia.
7. I verify that the factual matters contained in the foregoing Opposition to Petitions for Special Relief are true and correct to the best of my information, knowledge, and belief.

[signature appears on the following page]

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

06-05-2018
Date



John Humphries
President and General Manager
WYFF(TV)

ATTACHMENT 1

EXAMPLES OF WYFF PROGRAMMING COVERING FRANKLIN COUNTY

Elections results for Georgia Primary

Stacey Abrams has won the Democratic primary in Georgia's gubernatorial race



WYFF Updated: 11:08 PM EDT May 22, 2018



County results for Georgia primary



WYFF Updated: 7:10 AM EDT May 22, 2018

Franklin Co. Board of Education Post 3 GOP

Candidate	Party	Votes	Percentage
★ Randall Gailey	R	1,209	52%
Jeremy Madden	R	1,105	48%
Total		2,314	



Franklin Co. Board of Education Post 5 GOP

Candidate	Party	Votes	Percentage
★ Robin Cato	R	1,330	57%
David Mayfield, Sr.	R	1,020	43%
Total		2,350	



Franklin County Jail Bond Referendum

Candidate	Party	Votes	Percentage
★ No		1,822	67%
Yes		885	33%
Total		2,707	



Former NASCAR driver from the Upstate killed in crash

James Hylton, Jr. died in an early morning crash Saturday



Updated: 4:47 PM EDT Apr 28, 2018



FRANKLIN COUNTY, GA —

A former NASCAR driver who made his home in the Upstate died in a crash early Saturday morning.

The Franklin County Coroner's Office confirmed to WYFF News 4 James Hylton, Sr. and his son James Hylton, Jr. were both killed when the truck they were in went off-road, went airborne, and flew into the bank of a nearby creek.

Child hides under bed while man shoots 3 people in home, GBI officials say

Deputy shoots, kills suspected gunman late Sunday in Franklin County



Updated: 2:06 PM EDT May 14, 2018

Deputy shoots, kills gunman; three others hurt, GBI says
by WYFF US



CARNESVILLE, GA —

A child hid underneath a bed inside a home while a man shot three people, according to the Georgia Bureau of Investigation.

GBI officials said Franklin County, Georgia, deputies were called about 10 p.m. Sunday to the home on Roberts Lane in Carnesville about a domestic disturbance.

Murder-suicide investigation underway, Sheriff says

Two bodies found inside a home in Franklin County



Updated: 2:01 PM EST Dec 23, 2017



SOURCE: WYFF News 4

Franklin County, G.A. —

Franklin County Sheriff Steve Thomas says two bodies were found inside a home.

Thomas says his office, with assistance from the Georgia Bureau of Investigation, have been working a scene in the county.

He says preliminary information suggests this is probably murder-suicide.

ATTACHMENT 2

LIST OF WYFF STORIES COVERING FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES

DATE	COUNTY	STORY SLUG	Segment
5/22/2018	Hart County	Ga Hart Alcohol Sales	PKG
5/14/2018	Hart County	Officer involved shooting	Sky 4 VO
4/29/2018	Hart County	Hart CO Firefighters	FONT
4/12/2018	Hart County	GBI arrests of Hart CO man in Ariz on Child Molestation charges	FONT
3/14/2018	Hart County	Highway 29 Hart CO Fatal car wreck	VO
9/10/2017	Hart County	Hart and Franklin Closed due to hurricane	School Ticker
8/2/2017	Hart County	Hart Co dog mauling	FONT
7/20/2017	Hart County	Dads store robbed	FONT
7/17/2017	Hart County	Missing boaters boat runs aground in Hart co on Lake Hartwell	VO/PKG
6/20/2017	Hart County	Hart co business arson fire	VO
5/21/2018	Elbert County	Elbert County Train Crash	FONT
3/16/2018	Elbert County	Elbert HS Student Arrest	FONT
1/11/2018	Elbert County	Elbert County Murder Arrest	SIDE PANEL
12/15/2017	Elbert County	Tree Shaped Cell Tower	PKG
10/6/2017	Elbert County	Elbert County Homicide	MAP
7/20/2017	Elbert County	Granite Death	FONT
6/14/2017	Elbert County	Georgia Prison Escapes	VO
5/22/2018	Franklin County	Franklin County Jail Referendum	FONT
5/14/2018	Franklin County	Deputy Involved Shooting	VO/SOT
1/22/2018	Franklin County	Teri Program	VO
12/23/2017	Franklin County	Murder Suicide	MAP
11/30/2017	Franklin County	Franklin County Assault and Stalking	MAP
11/22/2017	Franklin County	Franklin County Death Investigation	MAP
5/22/2018	Stephens County	Stephens County Alcohol Sales	FONT
5/16/2018	Stephens County	Toccoa Sinkhole	VO
11/14/2017	Stephens County	Missing Teen	FONT
6/22/2017	Stephens County	Toccoa Tornado	VO
6/16/2017	Stephens County	County Line Movie Premiere	VO

ATTACHMENT 3

**SCREENSHOTS OF WYFF STORIES COVERING
FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES (NEWS, ELECTION, AND
WEATHER COVERAGE**

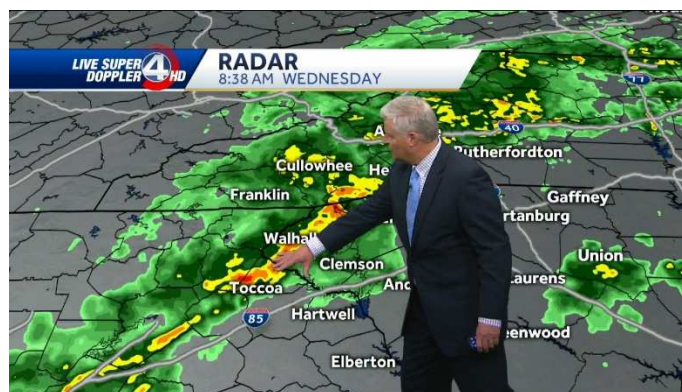
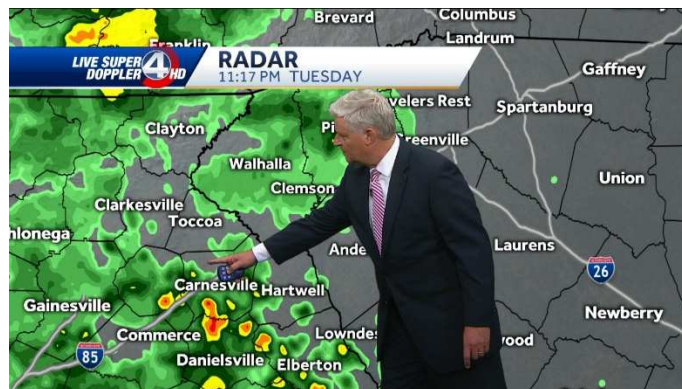
NEWS COVERAGE

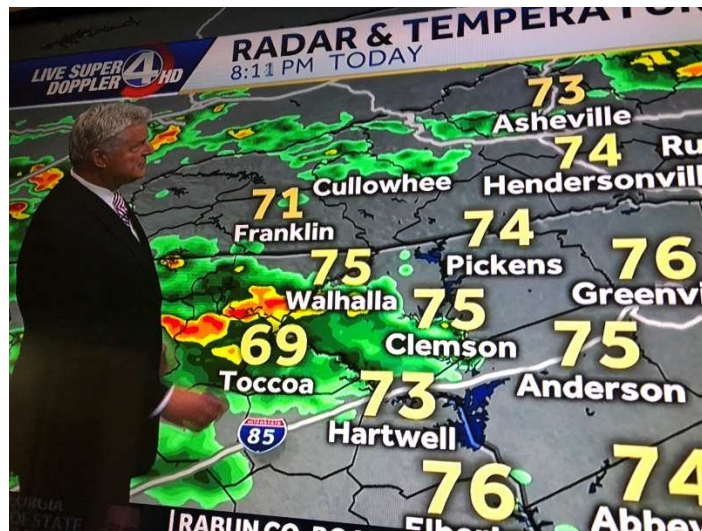




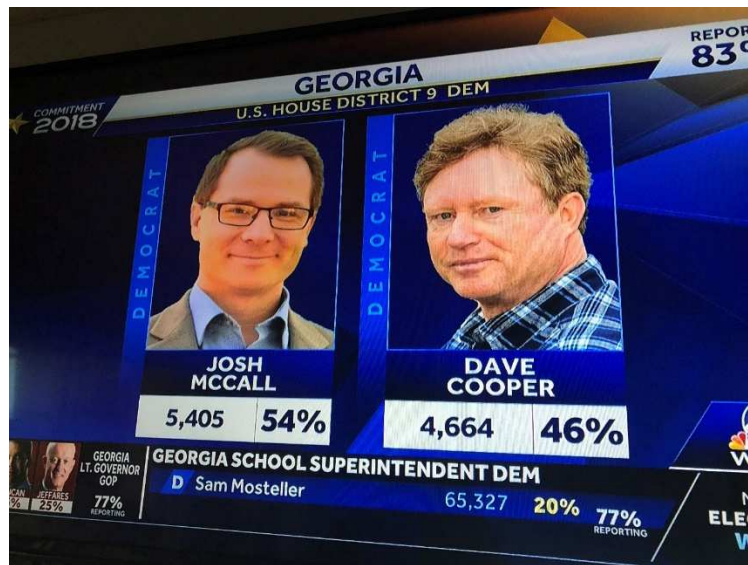


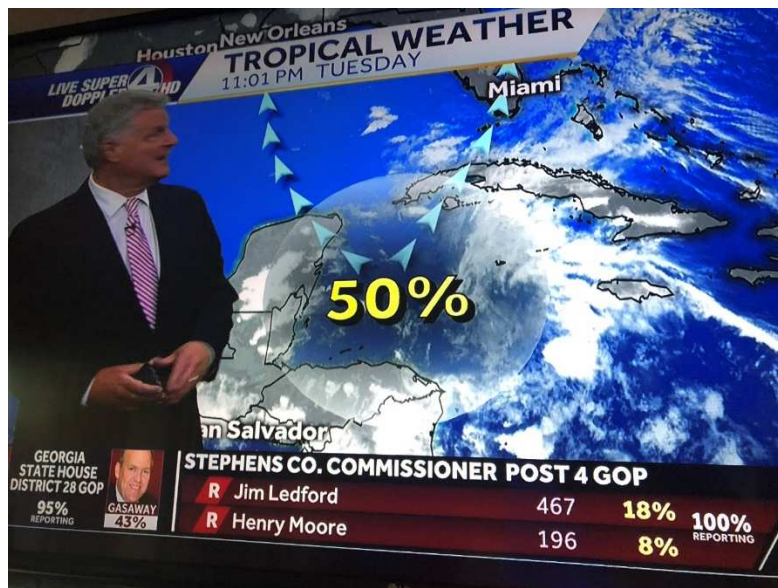
WEATHER COVERAGE

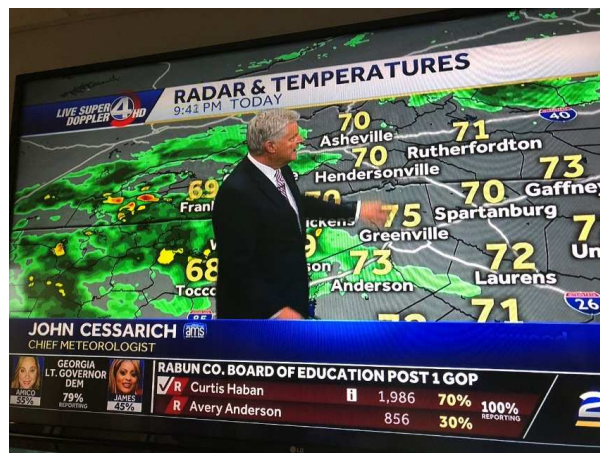
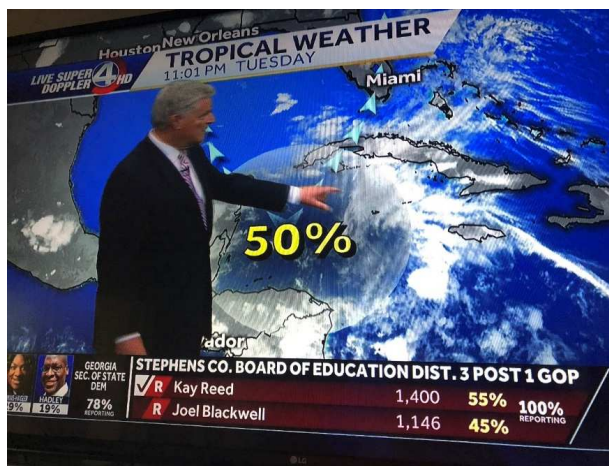
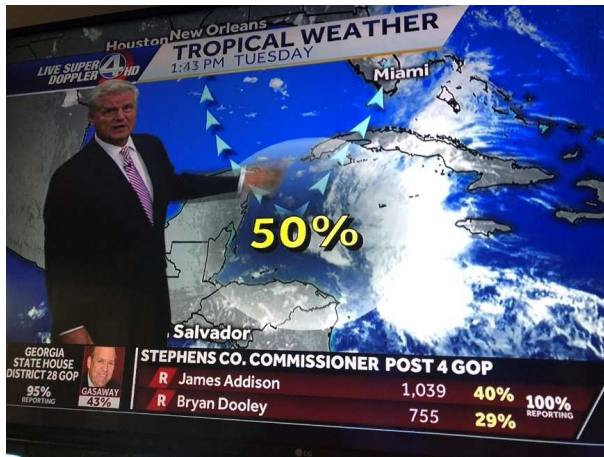


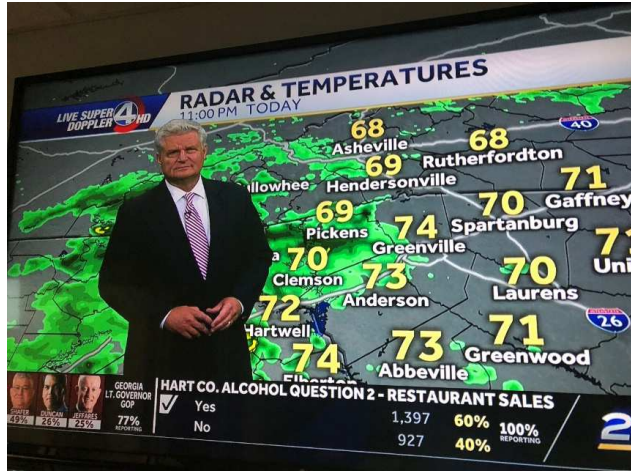


ELECTION COVERAGE









FRIDAY

SKY 4

MUDSLIDES DAMAGE 40 STRUCTURES IN WESTERN NORTH CAROLINA

WYFF 4

GEORGIA GOVERNOR GOP

FRANKLIN CO. BOARD OF EDUCATION POST 5 GOP			
✓ R	Robin Cato	1,330	57%
R	David Mayfield, Sr.	1,020	43%

80% REPORTING

ELECTION RESULTS ON THE

Google Play

SEARCH:

ANGING IN THE BALANCE

WYFF 4

GEORGIA GOVERNOR GOP

FRANKLIN CO. BOARD OF EDUCATION POST 3 GOP			
✓ R	Randall Galley	1,209	52%
R	Jeremy Madden	1,105	48%

80% REPORTING

ELECTION RESULTS ON THE

Google Play

SEARCH: V

ANGING IN THE BALANCE

WYFF 4

GEORGIA GOVERNOR GOP

ELBERT CO. BOARD OF COMMISSIONERS CHAIRPERSON GOP			
✓ R	Lee Vaughn	1,399	68%
R	Frank Eaves	650	32%

80% REPORTING

WYFF NEWS



EXHIBIT D

DECLARATION AND VERIFICATION OF JOSEPH FISHLEIGH

Declaration and Verification of Joseph Fishleigh

I, Joseph Fishleigh, hereby declare, under penalty of perjury, as follows:

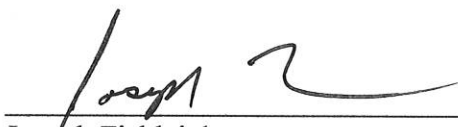
1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the General Manager of WLOS(TV) (“WLOS”), Asheville, North Carolina, and I have held this position since June 2017. I also served as Director of Sales for WLOS from 2009 until May 2017.
3. WLOS is the ABC affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WLOS serves four counties located in Georgia, including Franklin County, Hart County, Elbert County, and Stephens County.
4. Based on a review of corporate records, it is my understanding that WLOS has likely been carried on DISH and DIRECTV in Franklin County, Georgia, at least since each September of 2000 (DISH) and June of 2000 (DIRECTV). WLOS is carried on Channel 13 on DISH and on Channel 13 on DIRECTV in Franklin County.
5. WLOS provides news, weather, and other information of local interest to the residents of Franklin County and the other three Georgia Counties—Hart County, Elbert County, and Stephens County—in the Greenville-Spartanburg-Asheville-Anderson DMA. Some recent examples are attached to this Declaration as Attachment 1.
6. I verify that the factual matters contained in the foregoing Opposition to Petitions for Special Relief are true and correct to the best of my information, knowledge, and belief.

[signature appears on the following page]

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

June 5th, 2018

Date



Joseph Fishleigh
General Manager
WLOS-TV

ATTACHMENT 1

EXAMPLES OF WLOS PROGRAMMING COVERING FRANKLIN, ELBERT, HART, AND STEPHENS COUNTIES

Still not over yet: Showers and storms possible Friday

Friday, June 1st 2018



ASHEVILLE, N.C. (WLOS) — Flooding continues on the French Broad at Blantyre and Fletcher, with Asheville's section running very high. . . .

There is a greater chance for severe weather in Upstate SC and northeast Georgia. Flash flooding is possible if storms return, and trees may fall due to strong winds.

Stacey Abrams, who could become first ever black woman governor in U.S., wins primary



May 22, 2018

ATLANTA (AP) — Stacey Abrams won Georgia's Democratic primary in the gubernatorial race Tuesday, becoming the state's first woman nominee for governor from either major party.

Retired NASCAR driver James Hylton, 83, killed in car wreck



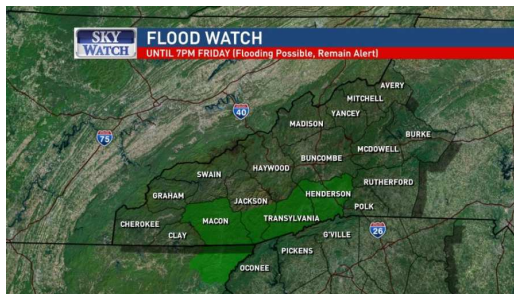
April 30, 2018

CARNESVILLE, Ga. (AP) — Former NASCAR driver James Hylton, the 1966 Rookie of the Year, was killed in a traffic accident Saturday, authorities said. He was 83.

Hylton and his son, 61-year-old James Hylton Jr., died at the scene of the crash, which happened on Interstate 85 in Carnesville a little after 6 a.m., according to the Georgia State Patrol. Both were from Inman, South Carolina.

Flood Watch in effect for parts of WNC, northeast Georgia

Thursday, January 11th 2018



HENDERSON COUNTY, N.C. (WLOS) — The National Weather Service has issued a Flood Watch for parts of the North Carolina mountains and northeast Georgia through 7 p.m. Friday.

Suspect shot in head during incident involving high-speed chase through Macon County



April 7, 2017

MACON COUNTY, N.C. (WLOS) — Macon County deputies responded to a high-speed chase early Friday morning, with suspects driving from Rabun County, Georgia, into Macon County on U.S. 441.

Deputies from Habersham County, Georgia, were pursuing a suspect after the car the suspect was driving was spotted after being reported stolen.

Ga. Supreme Court justices don Falcons gear to support home team's Super Bowl dream



ATLANTA (WGXA) - The Georgia Supreme Court honored the Atlanta Falcons on Tuesday during a Special Session after the football team clinched their place in the Super Bowl in Sunday's game against the Green Bay Packers

The nine justices donned Falcons caps during their session on Tuesday to wish them well in their pursuit of a Super Bowl win on Feb. 5 against the New England Patriots.

Man accused of shooting two Georgia officers has long criminal history in Upstate



Dec. 13, 2016

LAVONIA, GA (WLOS) — A man from the Upstate is now facing charges after Georgia authorities say he shot two police officers.

2 Georgia police officers shot, injured serving warrant; suspect killed in shootout



Dec. 12, 2016

CRAWFORD COUNTY, Ga --- Two Georgia police officers were injured early Monday morning while serving a search warrant in Crawford County, an official with the Georgia Bureau of Investigation confirmed.

Four Dead after Plane Crash on Georgia, SC State Line



October 2, 2015

OCONEE COUNTY, S.C. -- Four people are dead after a small plane crash near the Georgia and South Carolina state line on Friday afternoon.

Just after 3 p.m. on Oct. 3, witnesses say they saw a plane go down in a wooded area of Oconee County in the Tabor Community

Regular Coverage of Atlanta Braves During Baseball Season

Braves beat Rays 5-2 for seventh straight road win

by DICK SCANLON, Associated Press | Thursday, May 10th 2012



Atlanta Braves' Jason Heyward (13) runs during the first inning of a baseball game Thursday, May 10, 2012, in St. Petersburg, Fla. (AP Photo/Chris O'Neil)



VIEW PHOTO GALLERY
4 photos

Braves' Acuna youngest to homer in 1-0 game since 1935

by DICK SCANLON, Associated Press | Wednesday, May 9th 2012



Atlanta Braves' Ronald Acuna Jr. follows the flight of the home run off Tampa Bay's Jose Bautista during the first inning of a baseball game Wednesday, May 9, 2012, in St. Petersburg, Fla. (AP Photo/Chris O'Neil)



VIEW PHOTO GALLERY
5 photos

Teheran no-hitter into 7th, Braves blank Mets 11-0 for sweep

by RONALD BLUM/AP Baseball Writer | Friday, May 4th 2018



Atlanta Braves' Jacob deGrom (49) is congratulated by teammates after pitching a no-hitter against the New York Mets on a perfectly hot day during the seventh inning of a baseball game, Thursday, May 3, 2018, in New York. (AP Photo/John Manchillo)



[VIEW PHOTO GALLERY](#)
7 photos

Cubs throw out 2 runners at home, rally to beat Braves 3-2

by RALPH NERI/AP Sports Writer | Wednesday, May 3rd 2018



Atlanta Braves' Jacob deGrom (49) is congratulated by teammates after pitching a no-hitter against the New York Mets on a perfectly hot day during the seventh inning of a baseball game, Thursday, May 3, 2018, in New York. (AP Photo/John Manchillo)

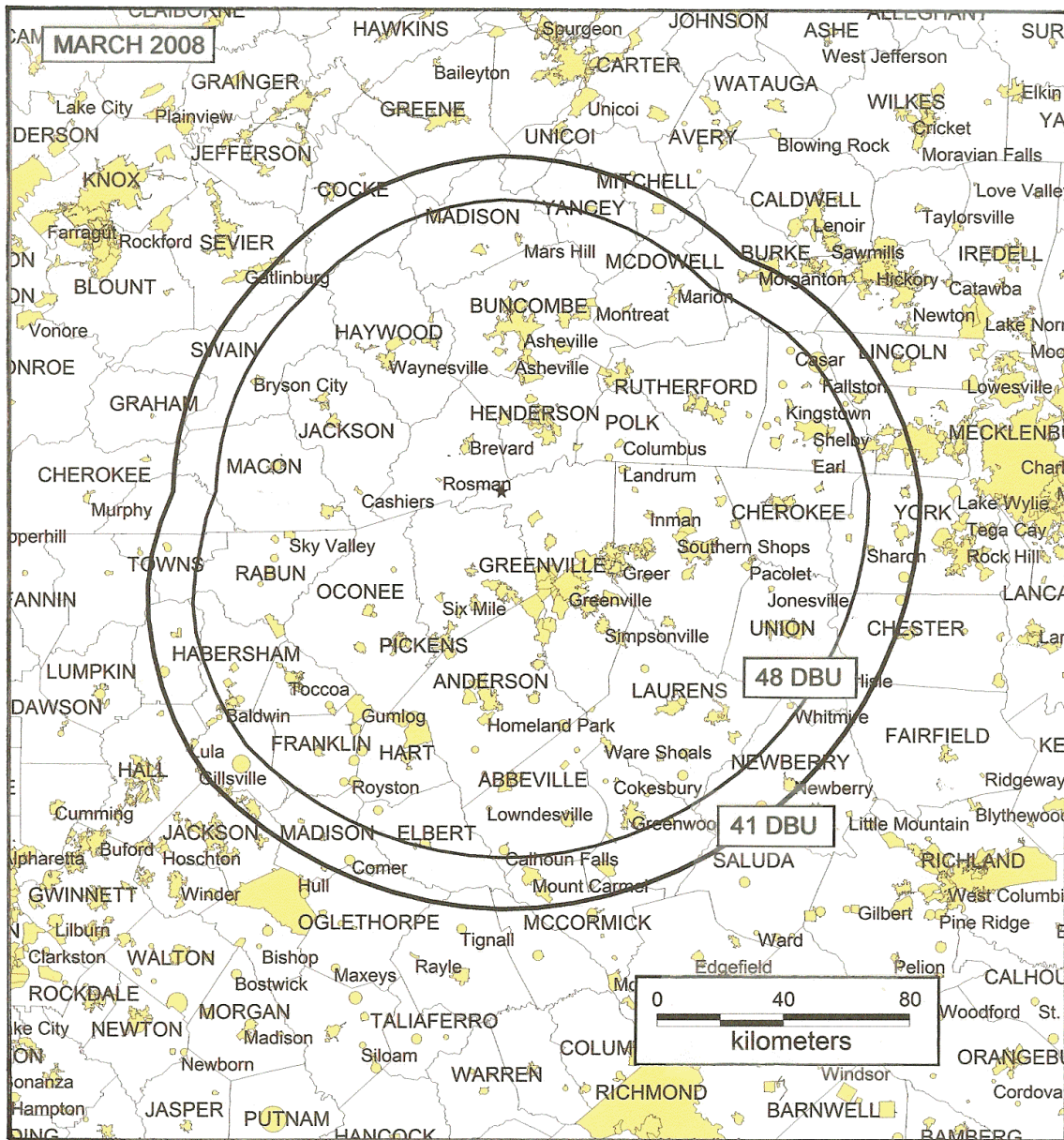


[VIEW PHOTO GALLERY](#)
8 photos

EXHIBIT E

WYFF, WSPA, WHNS, AND WLOS CONTOUR MAPS

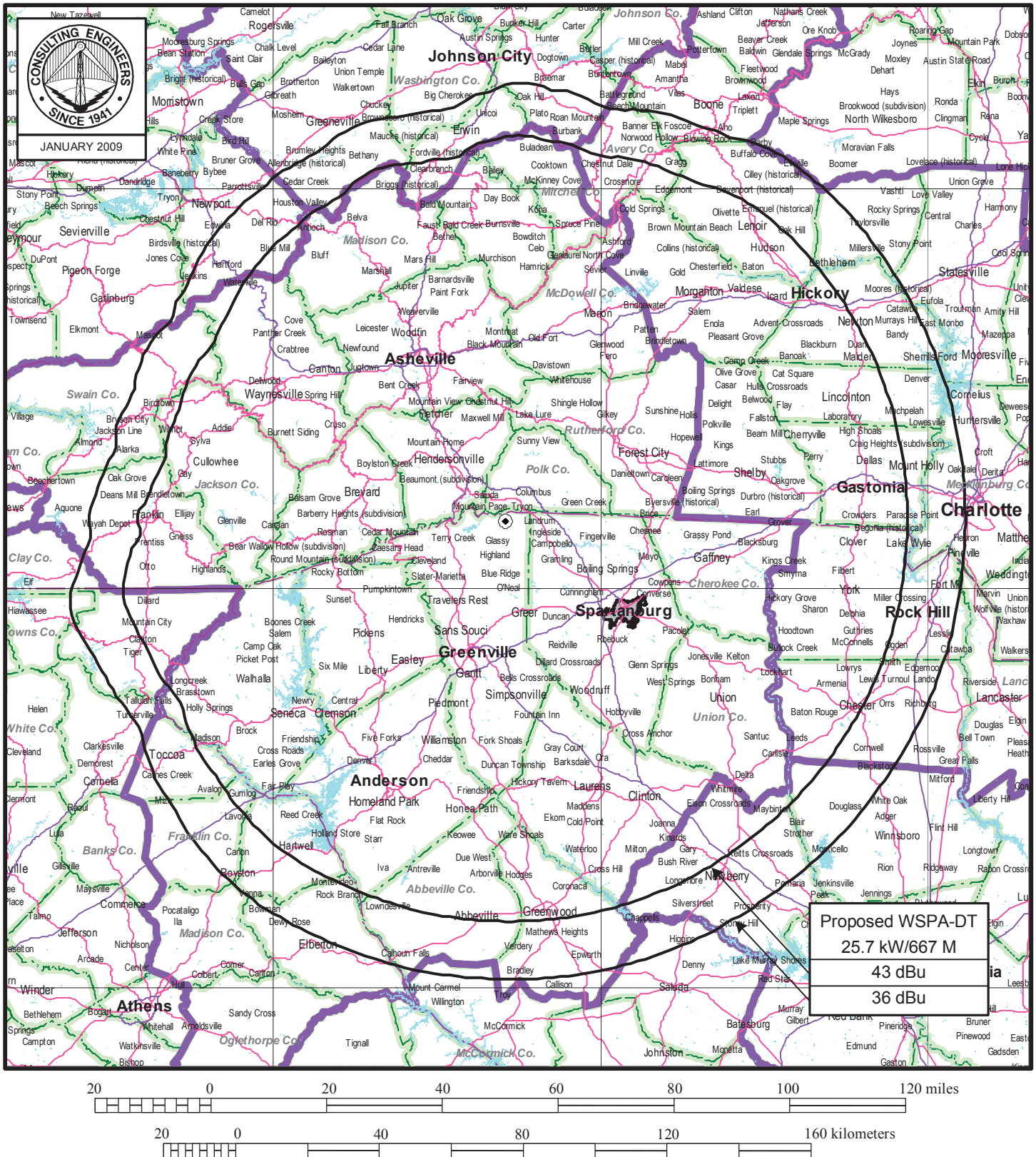
FIGURE 3



CALCULATED CONTOURS

WYFF HEARST-ARGYLE TELEVISION, INC.
STATION WYFF-DT, GREENVILLE, SOUTH CAROLINA
CHANNEL 36 1000KW 596 METERS

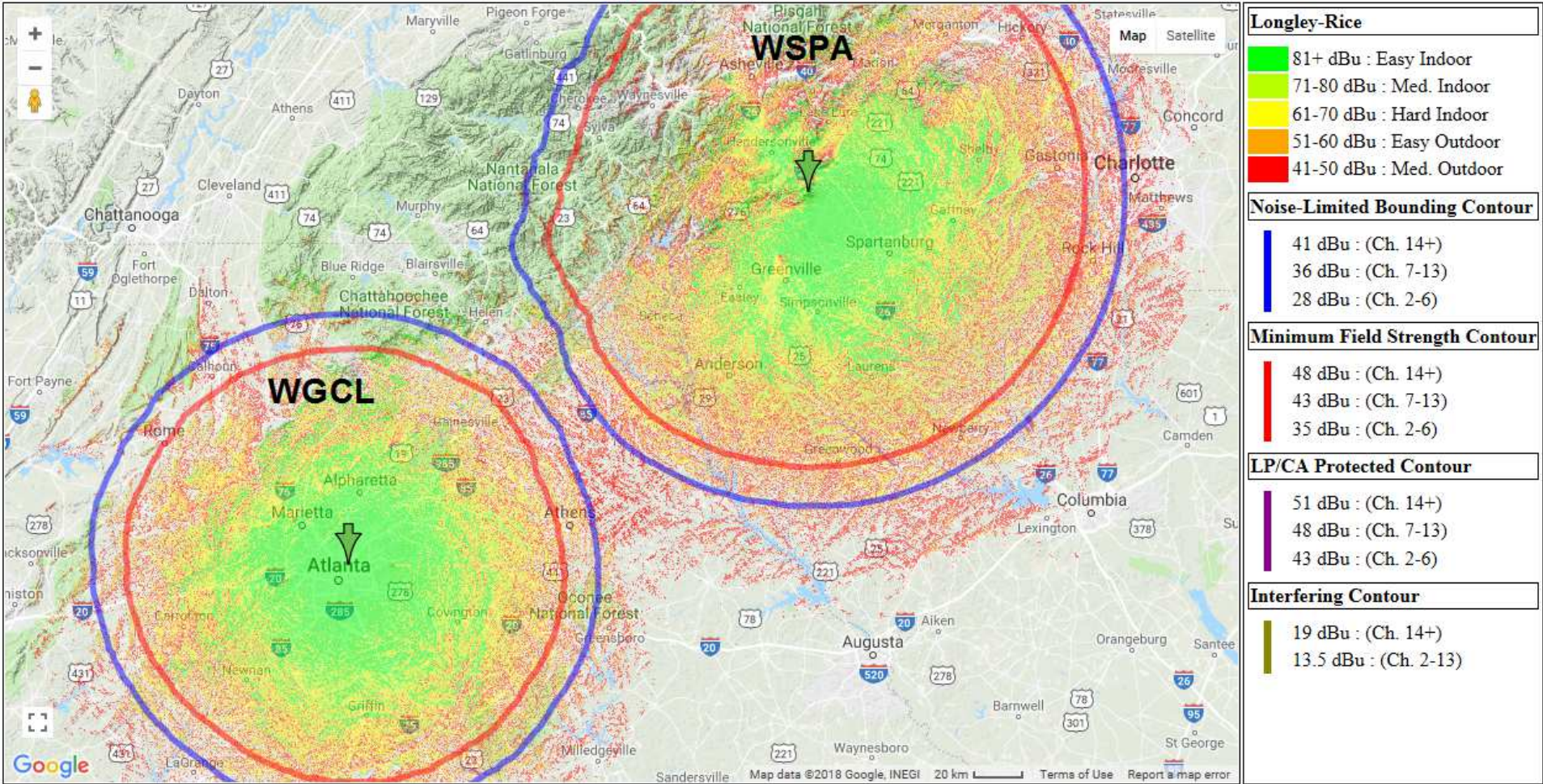
Bernard R. Segal, P. E. Consulting Engineer



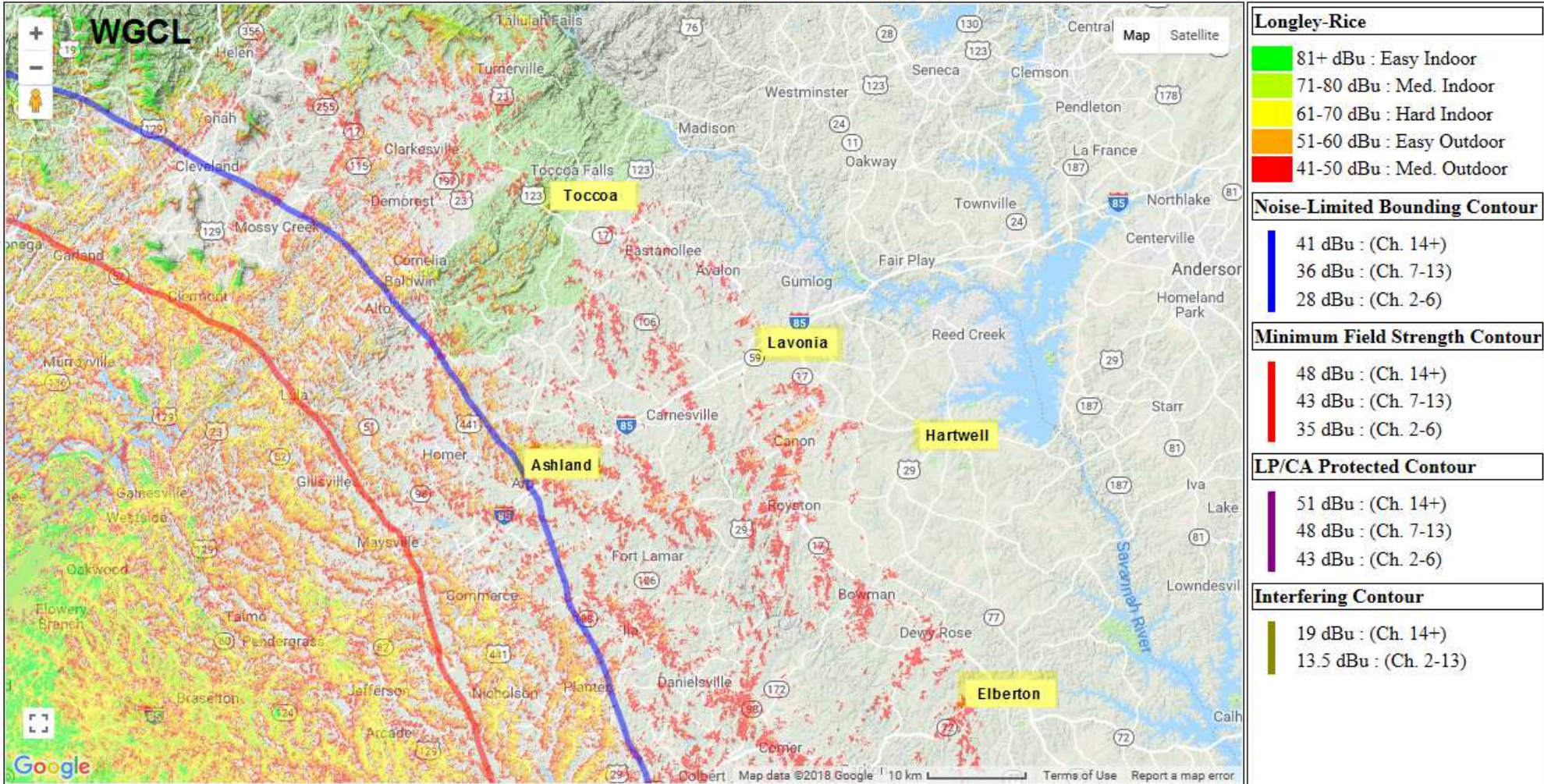
PREDICTED COVERAGE CONTOURS

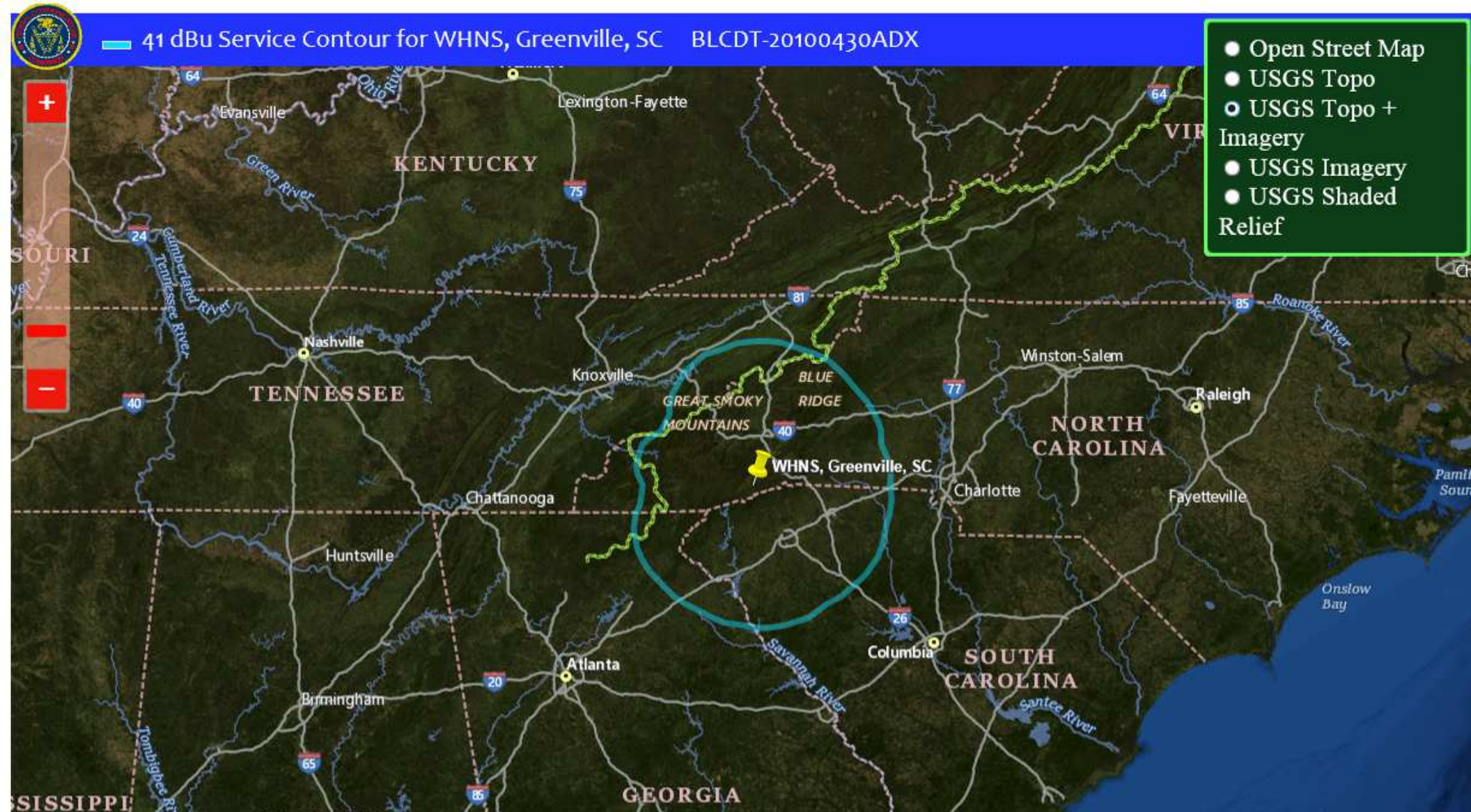
STATION WSPA-DT
SPARTANBURG, SOUTH CAROLINA
CH 7 25.7 kW 667 M

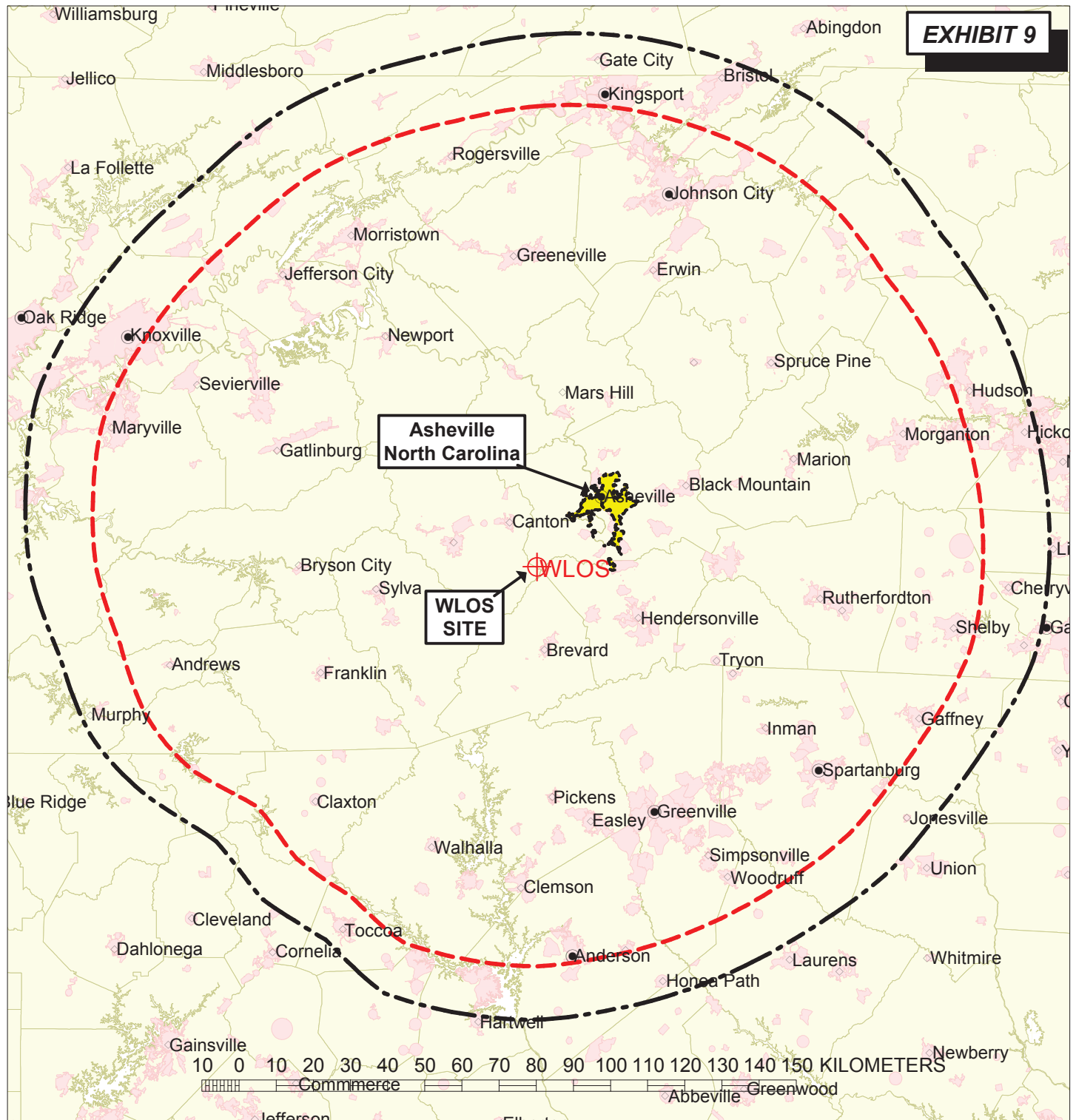
du Treil, Lundin & Rackley, Inc Sarasota, Florida



WGCL-TV (46-1) BLCDT-20060113ACO







PREDICTED COVERAGE CONTOURS

WLOS - Channel 13 - Asheville, North Carolina
DTV - 50 kW DA - 849.4 meters HAAT

PREDICTED 43 dBu F(50,90)
DTV Principal Community Contour

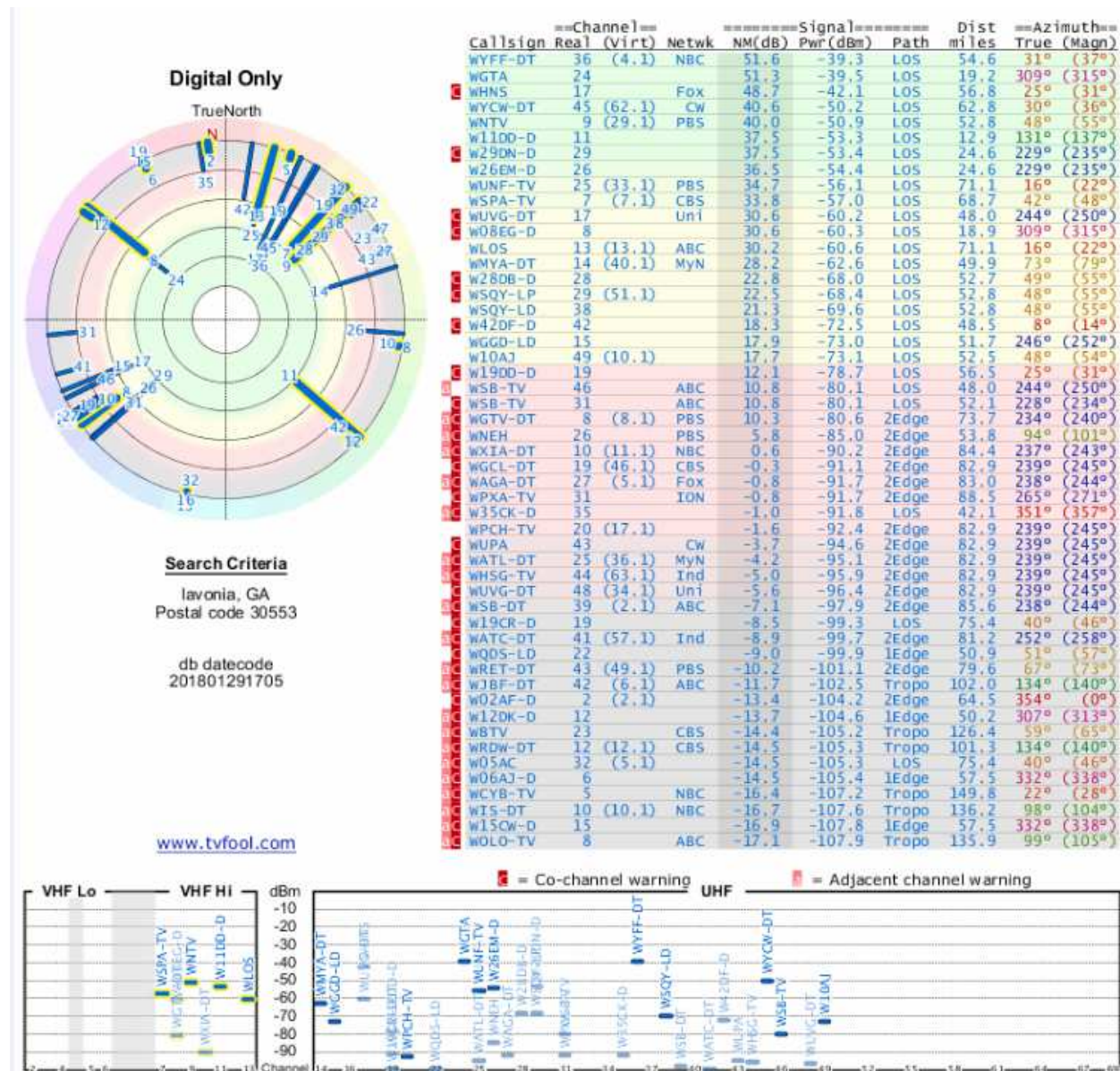
PREDICTED 36 dBu F(50,90)
DTV Noise Limited Contour

MARCH 2010

CARL T. JONES
CORPORATION

EXHIBIT F
SIGNAL STRENGTH AND DISTANCE

Lavonia, GA (Franklin County) – Digital Only Current Channels

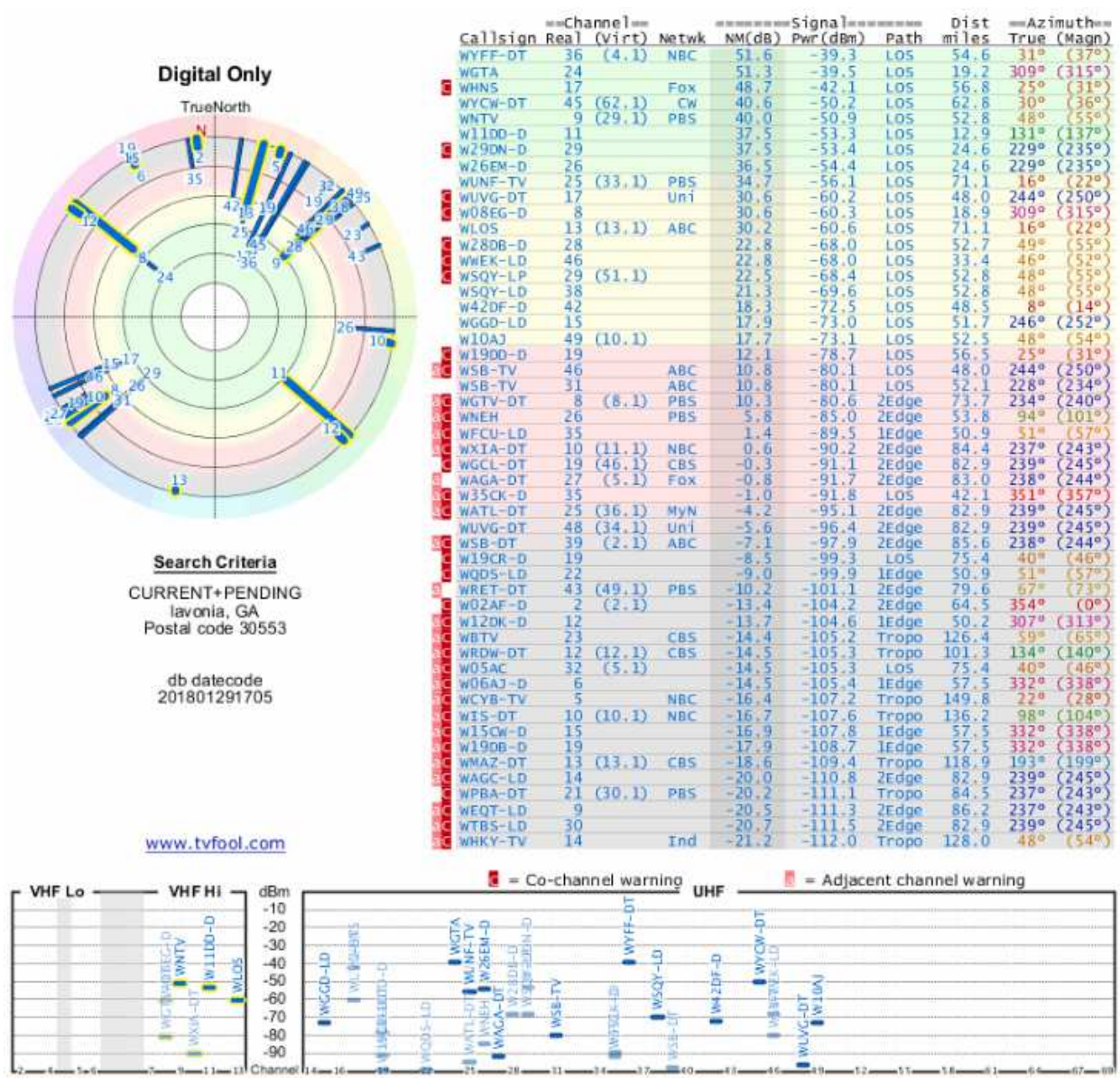


The Signal Analysis Report lists the broadcasters in your area, ranked from strongest to weakest, according to 3D propagation modeling of the location and height (optional) that you entered. The background color of each transmitter in the table is color coded as follows:

Background color	Estimated signal strength
Green	An indoor "set-top" antenna is probably sufficient to pick up these channels
Yellow	An attic-mounted antenna is probably needed to pick up channels at this level and above
Red	A roof-mounted antenna is probably needed to pick up channels at this level and above
Grey	These channels are very weak and will most likely require extreme measures to try and pick them up

Please understand that this is a simulation and can only be treated as a rough approximation. Reception at your location is affected by many factors such as multipath, antenna gain, receiver sensitivity, buildings, and trees - which are *not* taken into account. Your mileage may vary.

Lavonia, GA (Franklin County) – Digital Channels Pending Applications

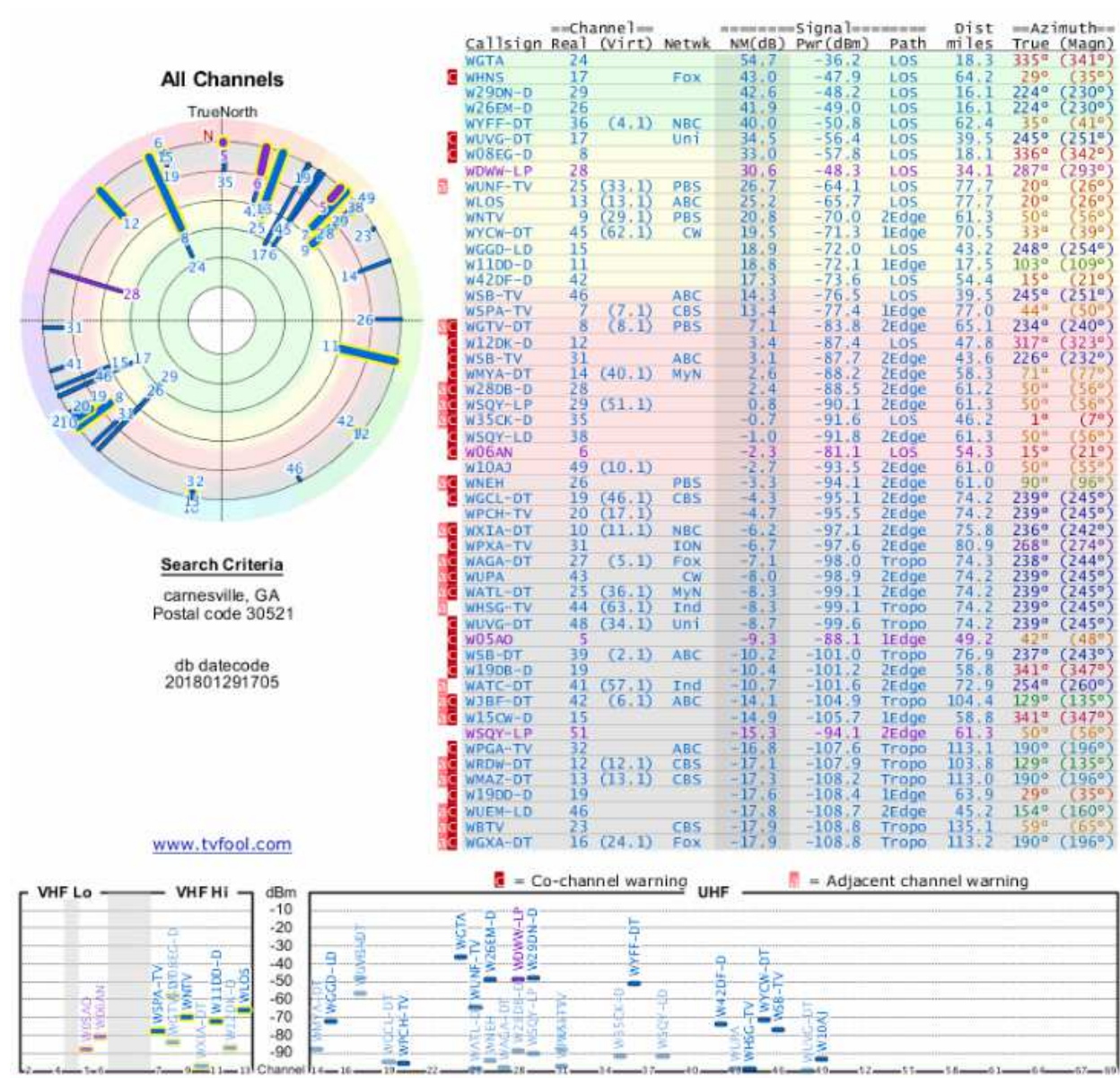


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Carnesville, GA (Franklin County) – Current Channels All Channels

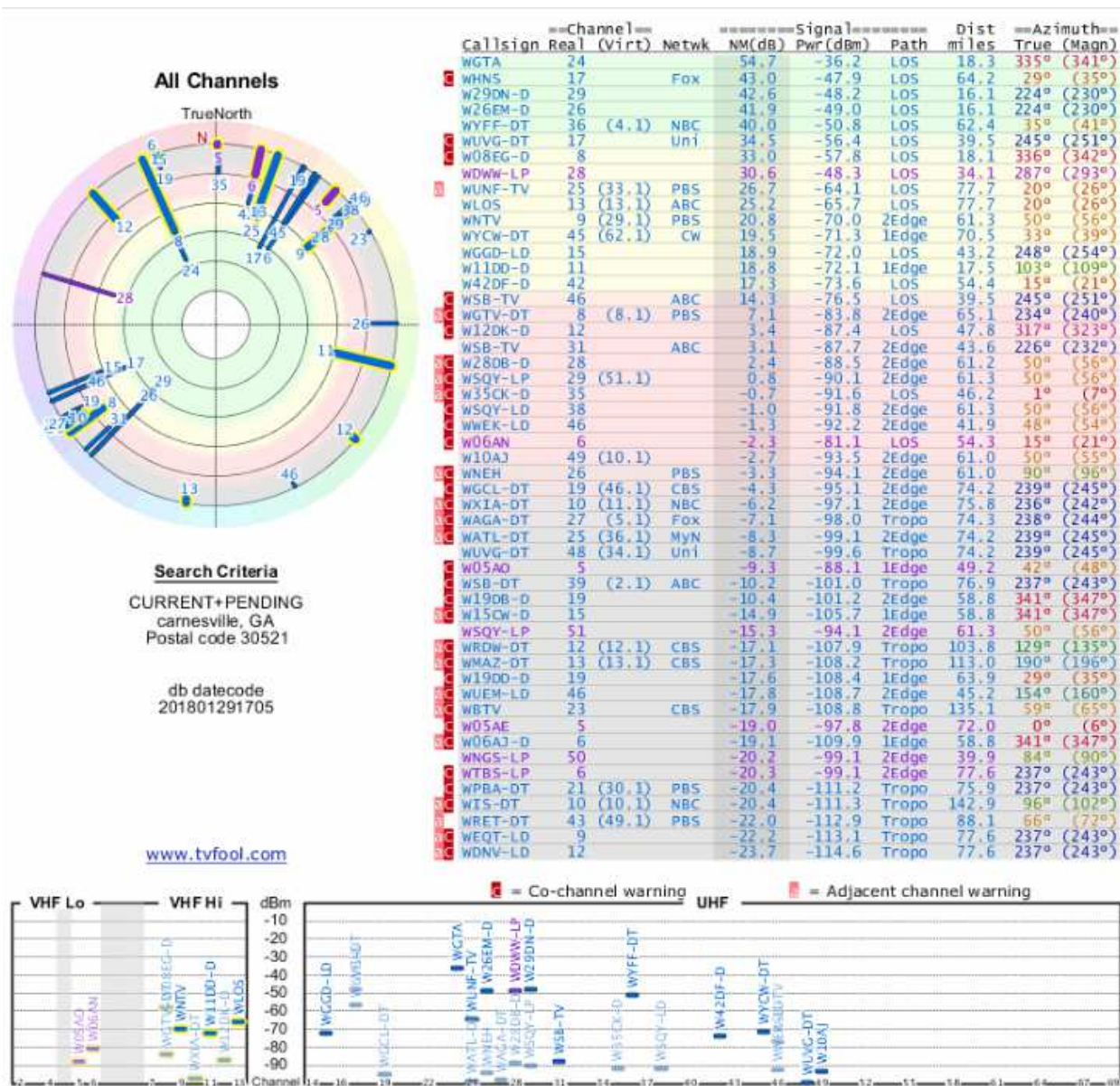


The Signal Analysis Report lists the broadcasters in your area, ranked from strongest to weakest, according to 3D propagation modeling of the location and height (optional) that you entered. The background color of each transmitter in the table is color coded as follows:

Background color	Estimated signal strength
Green	An indoor "set-top" antenna is probably sufficient to pick up these channels
Yellow	An attic-mounted antenna is probably needed to pick up channels at this level and above
Red	A roof-mounted antenna is probably needed to pick up channels at this level and above
Grey	These channels are very weak and will most likely require extreme measures to try and pick them up

Please understand that this is a simulation and can only be treated as a rough approximation. Reception at your location is affected by many factors such as multipath, antenna gain, receiver sensitivity, buildings, and trees - which are *not* taken into account. Your mileage may vary.

Carnesville, GA (Franklin County) – All Channels Pending Applications



The Signal Analysis Report lists the broadcasters in your area, ranked from strongest to weakest, according to 3D propagation modeling of the location and height (optional) that you entered. The background color of each transmitter in the table is color coded as follows:

Background color	Estimated signal strength
Green	An indoor "set-top" antenna is probably sufficient to pick up these channels
Yellow	An attic-mounted antenna is probably needed to pick up channels at this level and above
Red	A roof-mounted antenna is probably needed to pick up channels at this level and above
Grey	These channels are very weak and will most likely require extreme measures to try and pick them up

Please understand that this is a simulation and can only be treated as a rough approximation. Reception at your location is affected by many factors such as multipath, antenna gain, receiver sensitivity, buildings, and trees - which are *not* taken into account. Your mileage may vary.